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Contents

The Constitution and Presidential Warmaking
DAVID GRAY ADLER 1

The In-and-Outer System: A Critical Assessment
HUGH HECLO 37

The Unlearned Lessons of Counterinsurgency
D. MICHAEL SHAFER 57

Clausewitz and Nuclear Crisis Stability RICHARD NED LEBOW 81

Political Legitimacy and Crisis in Poland WILLIAM P. AVERY 111

Foreign Investments in Less Developed Regions
JOHN R. ONEAL 131

Book Reviews 149

Reference Books and Source Materials Received 194

Correspondence 195

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ELECTRONIC REPRODUCTION PROHIBITED

Book Reviews

Luttwak, Strategy: The Logic of War and Peace — MANFRED HALPERN — 149

Dean, Watershed in Europe: Dismantling the East-West Military Confrontation — EDWARD RHODES — 151

Brauer, Presidential Transitions: Eisenhower through Reagan — ROGER B. PORTER — 152

Waller, Congress and the Nuclear Freeze: An Inside Look at the Politics of a Mass Movement — FRANCIS E. ROURKE — 154

Seaborg with **Loeb,** Stemming the Tide: Arms Control in the Johnson Years — LINCOLN P. BLOOMFIELD — 155

Bowles, The White House and Capitol Hill: The Politics of Presidential Persuasion — L. SANDY MAISEL — 156

Omi and **Winant,** Racial Formation in the United States from the 1960s to the 1980s — CHARLES V. HAMILTON — 158

Landry, The New Black Middle Class — ADOLPH L. REED, JR. — 159

Thakur, International Peacekeeping in Lebanon: United Nations Authority and Multinational Force — GEORGE L. SHERRY — 161

Hays, Beauty, Health, and Permanence: Environmental Politics in the United States, 1955–1985 — JOHN S. DRYZEK — 163

Miller, Running in Place: Inside the Senate; **Reedy,** The U.S. Senate: Paralysis or a Search for Consensus — JOSEPH COOPER — 165

Parker, Homeward Bound: Explaining Changes in Congressional Behavior — AAGE R. CLAUSEN — 167

Peterson and **Lewis,** eds., Reagan and the Cities — RICHARD P. NATHAN — 168

Bok, Higher Learning — ELLEN FUTTER — 169

McCann, Taking Reform Seriously: Perspectives on Public Interest Liberalism — J. DAVID GREENSTONE — 170

Levy, The Establishment Clause: Religion and the First Amendment — JAMES MAGEE — 172

Manley and **Dolbeare,** eds., The Case against the Constitution: From Federalists to the Present — FRANK J. MACCHIAROLA — 173

Gillon, Politics and Vision: The ADA and American Liberalism, 1947–1985 — JAMES L. SUNDQUIST — 175

Joffe, The Chinese Army after Mao — ANDREW J. NATHAN — 176

LICENSED TO UNZ.ORG
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Leahy, Development Strategies and the Status of Women: A Comparative Study of the United States, The Soviet Union and Cuba
LOURDES BENERÍA 178

Melanson and **Mayers,** eds., Reevaluating Eisenhower: American Foreign Policy in the 1950s H. W. BRANDS, JR. 179

Black and **Black,** Politics and Society in the South ALEXANDER HEARD 180

Simonton, Why Presidents Succeed: A Political Psychology of Leadership
BARBARA KELLERMAN 181

Gruber, *Controlling Bureaucracies: Dilemmas in Democratic Governance*
ROBERT T. NAKAMURA 183

Higgs, Crisis and Leviathan: Critical Episodes in the Growth of American Government R. J. SAULNIER 185

Reimers, Still the Golden Door: The Third World Comes to America
LEWIS A. COSER 186

Motyl, Will the Non-Russians Rebel? State, Ethnicity, and Stability in the USSR GARY L. GUERTNER 187

Rose and **McAllister,** Voters Begin to Choose: From Closed-Class to Open Elections in Britain LEON D. EPSTEIN 188

Garrett, From Potsdam to Poland: American Policy toward Eastern Europe
PIOTR S. WANDYCZ 190

See, First World Nationalisms: Class and Ethnic Politics in Northern Ireland and Quebec JOHN L. P. THOMPSON 191

Crotty, ed., Political Parties in Local Areas M. MARGARET CONWAY 192

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From the Editor:

In this issue. . .

DAVID GRAY ADLER examines the debate surrounding the critical constitutional issue of the power to decide on war. He argues that the evidence indisputably shows that the drafters of the Constitution vested the authority to initiate hostilities, short of and including war, solely and exclusively in Congress and gave the president only the power to repel invasions.

HUGH HECLO discusses the "in-and-outer" system of staffing top political posts in the executive branch. He contends that reforms are needed to prevent an, on the whole, worthwhile system from producing perverse results.

D. MICHAEL SHAFER highlights the assumptions underlying American counterinsurgency policy. He argues that they lead policy makers to misunderstand the sources of insurgency, to underestimate the constraints on Third World leaders' willingness and capacity to make the reforms required to defeat it, and to overestimate the United States's role as a partner in their efforts.

RICHARD NED LEBOW looks at Carl von Clausewitz's classic study *On War* for an analytical framework that identifies the kinds of problems that could impede the resolution of a future superpower crisis: civilian-military conflict, emotional arousal, and political sabotage. He goes on to analyze their implications for contemporary crisis management and what, if anything, can be done to minimize their disruptive effects.

WILLIAM P. AVERY argues that a crisis of legitimacy has marked Polish politics since World War II, as a result of several important contradictions between the values of the state and those reflected in the culture and traditions of the mass public.

JOHN R. ONEAL analyzes the foreign investments of British capitalists in the decades before World War I as well as of the U.S. multinationals today. Considering the distribution of capital placed abroad and its profitability, he finds little support for the socialist theory of imperialism first advanced by Hobson and Lenin.

DEMETRIOS CARALEY

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The Constitution and Presidential Warmaking: The Enduring Debate

DAVID GRAY ADLER

A series of "presidential wars"[1] over the past forty years, from Korea and Vietnam to Cambodia and Grenada, has triggered an intense and sometimes acerbic debate within both the scholarly community and the corriders of power on the question of whether Congress or the president is constitutionally empowered to commence war.[2] The issue of the constitutional repository of the power to decide for war is of surpassing importance for a nation faced with the specter of the nuclear holocaust, the overwhelming, perhaps incomprehensible destruction of an all-out atomic exchange.

[1] The phrase is borrowed from Francis D. Wormuth, "Presidential Wars: The Convenience of 'Precedent'," *The Nation*, 9 Oct. 1972, 301.

[2] A considerable body of literature has examined this question. See Francis D. Wormuth, "The Nixon Theory of the War Power: A Critique," *California Law Review* 60 (May 1972): 623; his earlier monograph, *The Vietnam War: The President versus the Constitution* (Santa Barbara, Calif: Center for Study of Democratic Institutions, 1968), reprinted in Richard Falk, ed., *The Vietnam War and International Law*, 4 vols. (Princeton, N.J.: Princeton University Press, 1969), I:711; and F.D. Wormuth and Edwin Firmage, *To Chain the Dog of War: The War Power of Congress in History and Law* (Dallas: Southern Methodist University Press, 1986). See also, Leonard Ratner, "The Co-ordinated War-making Power – Legislative, Executive and Judical Roles," *Southern California Law Review* 44 (Winter 1971): 19; Eugene Rostow, "Great Cases Make Bad Law: The War Powers Act," *Texas Law Review* 50 (May 1972): 833; J. Terry Emerson, "The War Powers Resolution Tested: The President's Independent Defense Power," *Notre Dame Lawyer* 51 (1975): 187; Raoul Berger, "War-Making by the President," *Pennsylvania Law Review* 121 (November 1972): 29; William Rogers, "Congress, the President, and War Powers," *California Law Review* 59 (September 1971): 1194; Charles Lofgren, "War-Making Under the Constitution: The Original Understanding," *Yale Law Journal* 81 (March 1972): 672.

DAVID GRAY ADLER is an assistant professor of political science at Idaho State University. He is the author of *The Constitution and the Termination of Treaties* (1986) and of articles on the Constitution and the conduct of foreign policy.

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Until 1950 it had long been established and well settled that the Constitution vests in Congress the sole and exclusive authority to initiate total as well as limited war. But since then, that well-heeled understanding has been subjected to a continuing assault by revisionist contentions that purport to locate the power in the president.[3] In an effort to justify President Harry Truman's unilateral decision to introduce United States troops into the Korean War in 1950, politicians and commentators, labeled "high-flying prerogative men" by Edward S. Corwin, asserted broad exective powers to commence war.[4] Emboldened by Truman's claim, subsequent presidents have likewise unilaterally initiated acts of war, often with the acquiescence of Congress. These executive assertions, which have by now established a consistent pattern of behavior, have been grounded on the alleged authority that the president derives from the executive power and commander in chief clauses of the Constitution, his constitutional authority as the "sole organ"[5] of American foreign policy, and the inherent or prerogative power of the presidency. Finally, it is contended that each presidential war constitutes a "precedent" that in turn legalizes the next such action. If taken at face value, the revisionists' arguments would eviscerate the constitutional grant of power to Congress to embark upon war.

Since the Korean episode, there has been considerable tension between the theory of the Constitution and the practice of recent presidents. A clear shift of the warmaking power from the legislative to the executive has given the president the dominant role. Of course, the substantive constitutional issues raised by the practice are numerous and momentous, and not necessarily answerable by resort to the text of the Constitution: what right, if any, the executive has to commit troops into hostilities without congressional authorization; what control of the warmaking power remains to Congress once war has been declared; what authority the president might have in the face of invasion or the threat of imminent attack. The urgency of the circumstances has induced scholars to search the historical records for discussion of these questions in the Constitutional Convention and in the early years of the republic. Predictably perhaps, different interpretations of the sources have emerged and the questions have lingered in a state of confusion.

The critical nature of the issue and the challenge raised by revisionists compel reexamination of the Framers' understanding of the warmaking power. Accordingly, part one of this paper will examine the debates and proceedings that accompanied the framing and ratification of the war clause, commander in chief clause,

[3] See Ratner, Rostow, Emerson in note 2.

[4] Corwin denounced Arthur Schlesinger, Jr. and Henry Steele Commager for their support of Truman's action. Edward S. Corwin, *The President: Office and Powers, 1787–1957,* 4th rev. ed. (New York: New York University Press, 1957), 14. By the late 1960s both Schlesinger and Commager had altered their views and favored a more powerful congressional role in the conduct of foreign policy. Cited in Louis Fisher, *Constitutional Conflicts Between Congress and the President* (Princeton, N.J.: Princeton University Press, 1985), 291.

[5] Sutherland enunciated the doctrine in *United States v. Curtiss-Wright Export Corporation,* 299 U.S. 304(1936).

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and the executive power clause. Part two will briefly explore the late eighteenth as well as the ninteenth-century understanding of the war power design as manifested in the contemporary statements of legislators and other political actors, in the practice itself, and in judicial decisions. Part three will consider recent arguments adduced by revisionists on behalf of unilateral presidential warmaking. It will be argued here that consistent with the understanding of the Framers and the Constitution, the authority to initiate hostilities, short of and including war, is vested solely and exclusively in Congress. The president has only the power to repel invasions.

The Constitution and Warmaking

The War Clause

The war clause of the Constitution provides, "The Congress shall have power . . . To declare War [and] grant Letters of Marque and Reprisal. . . ."[6] The debate on the proper repository of the authority to make war occurred at the outset of the Constitutional Convention. On 29 May 1787, Governor Edmund Randolph of Virginia proposed a constitution that included a provision "that a national Executive be instituted." The seventh paragraph stated that the executive "ought to enjoy the Executive rights vested in Congress of the Confederation."[7] The Randolph Plan was taken up by the Convention on 1 June. In considering the proposal to give to the national executive the executive powers of the Continental Congress, Charles Pinckney objected that "the Executive powers of [the existing Congress] might extend to peace and war which would render the Executive a Monarchy, of the worst kind, towit an elective one." Fellow South Carolinian, John Rutledge, said, "he was for vesting the Executive power in a single person, tho' he was not for giving him the power of war and peace."[8] James Wilson sought to reassure them: "Making peace and war are generally determined by writers on the Laws of Nations to be legislative powers." Wilson added that "the Prerogatives of the British Monarchy" are not "a proper guide in defining the executive powers. Some of the prerogatives were of a legislative nature. Among others that of war & peace."[9] James Madison agreed that the war power was legislative in character. Rufus King noted: "Mad: agrees with Wilson in his definition of executive powers — executive powers ex vi termini, do not include the Rights of war & peace and c. but the powers should be confined and defined — if large we shall have the Evils of elective Monarchies. . . ." Randolph did not defend his proposal but pressed for a plural executive: "A unity of the Executive he observed would savor too much of a monarchy. We had he said no motive to be governed by the British Governmt. as our proto-

[6] United States Constitution, Article I, section 8, paragraph 11.

[7] Max Farrand, *The Records of the Federal Convention of 1787,* 4 vols. (New Haven: Yale University Press, 1911), I:21.

[8] Ibid., 65.

[9] Ibid., 73–74, 65–66.

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type."[10] There was no vote on Randolph's resolution, but the discussion appears to reflect an understanding that the power of "war & peace" — the power to initiate war — did not belong to the executive but to the legislature.

On 6 August the Committee of Detail circulated a draft constitution that provided: "The legislature of the United States shall have the power . . . To make war. . . ."[11] This bore sharp resemblance to the Articles of Confederation, which vested the "sole and exclusive right and power of determining on peace and war" to the Continental Congress.[12] When the war clause was considered in debate on 17 August Charles Pinckney opposed placing the power in Congress. "Its proceedings were too slow . . . The Senate would be the best depository, being more acquainted with foreign affairs, and most capable of proper resolutions."[13] Pierce Butler "was for vesting the power in the President, who will have all the requisite qualities, and will not make war but when the nation will support it." Butler's opinion shocked Elbridge Gerry, who said that he "never expected to hear in a republic a motion to empower the Executive alone to declare war." Butler stood alone in the Convention; there was no support for his opinion and no second to his motion.

The proposal of the Committee of Detail to vest the legislature with the power to make war proved unsatisfactory to Madison and Gerry. In a joint resolution, they moved to substitute "declare" for "make," "leaving to the Executive the power to repel sudden attacks."[14] The meaning of the motion is unmistakable. Congress was granted the power to make, that is, initiate war; the president, for obvious reasons, could act immediately to repel sudden attacks without authorization from Congress. There was no quarrel whatever with respect to the sudden attack provision, but there was some question as to whether the substitution of "declare" for "make" would effectuate the intention of Madison and Gerry. Roger Sherman of Connecticut thought the joint motion "stood very well. The Executive shd. be able to repel and not to commence war. 'Make' better than 'declare' the latter narrowing the power [of the legislature] too much." Virginia's George Mason "was agst. giving the power of war to the Executive, because not [safely] to be trusted with it; or to the Senate, because not so constructed as to be entitled to it. He was for clogging rather than facilitating war; but for facilitating peace. He preferred 'declare' to 'make'." The Madison-Gerry proposal was adopted by a vote of seven to two. When Rufus King explained that the word "make" might be understood to authorize Congress to initiate as well as conduct war, Connecticut changed its vote so that the word "declare" was approved, eight states to one.[15]

[10] Ibid., 70, 66.

[11] Farrand, *Records of the Federal Convention,* 2:182.

[12] Henry Steele Commager, *Documents of American History,* 7th ed. (New York: Appleton, 1963), 133. Charles Warren observed that this power, as well as others, came "bodily from the old Articles of Confederation." Charles Warren, *The Makings of the Constitution* (Cambridge, Mass.: Harvard University Press, 1947), 389.

[13] Farrand, *Records of the Federal Convention*, 2:318.

[14] Ibid., 2:318.

[15] Ibid., 2:318, 319.

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The debates and the vote on the war clause make it clear that Congress alone possesses the authority to initiate war. The warmaking power was specifically withheld from the president; he was given only the authority to repel sudden attacks. Confirmation of this understanding was provided by remarks of ratifiers in various state conventions, as well as by the early practice and contemporaneous statements of political actors.

James Wilson, perhaps only slightly less important than James Madison in the Constitutional Convention, told the Pennsylvania Ratifying Convention:

> This system will not hurry us into war; it is calculated to guard against it. It will not be in the power of a single man, or a single body of men, to involve us in such distress; for the important power of declaring war is vested in the legislature at large: this declaration must be made with the concurrence of the House of Representatives: from this circumstance we may draw a certain conclusion that nothing but our interest can draw us into war.[16]

Similar assurance was provided in other state ratifying conventions. In North Carolina James Iredell stated: "The President has not the power of declaring war by his own authority . . . Those powers are vested in other hands. The power of declaring war is expressly given to Congress." And Charles Pinckney, a delegate in Philadelphia, told the South Carolina Ratifying Convention that, "the President's powers did not permit him to declare war." Likewise, in New York, Chancellor R.R. Livingston responded to objections that the Continental Congress did not have "the same powers" as the proposed Congress. He explained that the two bodies shared "the very same" power including the power "of making war and peace . . . they may involve us in a war at their pleasure . . . ."[17]

In spite of the illuminating debate and vote on the war clause, the shift from "make" to "declare" has induced revisionists to find in the presidency a power to initiate war. Senator Barry Goldwater, for example, has observed that when the Convention deleted from the working draft of the Constitution the authorization of Congress to make war, "the Framers intended to leave the 'making of war' with the President."[18] Leonard Ratner explained that the declare clause recognized "the warmaking authority of the President, implied by his role as executive and commander-in-chief and by congressional power to declare, but not make, war."[19] John Norton Moore and others have suggested that acts of military force short of war might be committed by the president.[20]

[16] Jonathan Elliot, *Debates in the Several State Coventions on the Adoption of the Federal Constitution,* 2nd ed., 4 vols. (Washington, D.C.: J. Elliot, 1836). Robert McCloskey wrote that Wilson was the "most learned and profound legal scholar of his generation." *Works of James Wilson,* ed., R. G. McCloskey, 2 vols. (Cambridge, Mass.: Harvard University Press, 1967), I:2.

[17] Elliot, *Debates,* 4:107, 108, 287; ibid., 2:278

[18] 119 *Cong. Rec.* S14141 (daily ed. 19 July 1973).

[19] Ratner, "Co-ordinated War-making Power," 467.

[20] John Norton Moore, "The National Executive and the Use of Armed Forces Abroad," in Falk, *Vietnam,* 2:814. Senator Paul Douglas defended President Truman's unauthorized venture in Korea on this ground. 96 *Cong. Rec.* 9648 (1950).

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We shall defer for the moment consideration of the executive power and commander in chief clauses, but these views ignore the fact that at the time of the framing, the word "declare" enjoyed a settled understanding and an established usage. Simply stated, as early as 1552, the verb "declare" had become synonymous with the verb "commence"; they both meant the initiation of hostilities.[21] This was the established usage in international law as well as in England, where the terms to declare war and to make war were used interchangeably.[22] This practice was familiar to the Framers. As Chancellor James Kent of New York, one of the leading jurists of the founding period, stated: "As war cannot lawfully be commenced on the part of the United States without an act of Congress, such an act is, of course, a formal official notice to all the world, and equivalent to the most solemn declaration." While Kent interpreted "declare" to mean "commence," he did not assert that the Consititution requires a congressional declaration of war before hostilities could be lawfully commenced, but merely that it is initiated by Congress. What "is essential," according to Kent, is "that some formal public act, proceeding directly from the competent source, should announce to the people at home their new relations and duties growing out of a state of war, and which should equally apprise neutral nations of the fact."[23]

Given the equivalence of commence and declare, it is clear that a congressional declaration of war would institute military hostilities. According to international law commentators, a declaration of war was desirable because it announced the institution of a state of war and the legal consequences which it entailed, to the adversary, to neutral nations, and to citizens of the sovereign initiating the war. Indeed, this is the essence of a declaration of war: notice by the proper authority of intent to convert a state of peace into a state of war.[24] But all that is required under American law is a joint resolution or an explicit congressional authorization of the use of military force against a named adversary. This can come in the form of a "declaration pure and simple," or in a "conditional declaration of war."[25] There are also two kinds of war, those which United States courts have termed "perfect" or general, and those labeled "imperfect" or limited wars. In 1782, the Federal Court of Appeals, the prize court established by the Continental Congress, stated:

[21] Huloet's dictionary provided this definition: "Declare warres. Arma Canere, Bellum indicere." We have here two meanings: to summon to arms; to announce war. Quoted in Wormuth and Firmage, *To Chain the Dog of War,* 20.

[22] In 1744 *Comyn's Digest,* an authoritative treatise on English law, stated: "To the king alone it belongs to make peace and war," as well as "the king has the sole authority to declare war and peace." Ibid. For a discussion of the understanding of international law, see Lofgren, "War Making," 685–95.

[23] James Kent, *Commentaries on American Law,* 2d. ed., 4 vols. (Boston: Little, Brown, 1896), I:55.

[24] Lofgren, "War Making," 685–95.

[25] According to Emmerich de Vattel, the leading international law publicist, a conditional declaration of war, an ultimatum demanding satisfaction of grievances, ought properly precede a declaration of general war. Vattel, *The Law of Nations,* C. Fenwick, trans. (Washington, D.C.: Carnegie Institution, 1916), 254–57.

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> The writers upon the law of nations, speaking of different kinds of war, distinguish them into perfect and imperfect: A perfect war is that which destroys the national peace and tranquillity, and lays the foundation of every possible act of hostility. The imperfect war is that which does not entirely destroy the public tranquillity, but interrupts it only in some particulars, as in the case of reprisals.[26]

It was decided at the dawn of the Republic in three important Supreme Court cases that the power of determining perfect and imperfect war lay with Congress.[27] For example, the Court, per Chief Justice John Marshall, held in 1801 in *Talbot v. Seeman* that the power of Congress comprises the power to "declare a general war" and also to "wage a limited war."[28] The power of Congress to authorize limited war is, of course, a necessary concomitant of its power to declare general war. If, as John Bassett Moore has suggested, the president might authorize relatively minor acts of war or perhaps covert military operations in circumstances not demanding full-blown war, that power could be wielded in a way that would easily eviscerate the Constitution's placement of the war power in Congress. Moore, perhaps the most eminent American scholar of international law, justly rebuked that proposition:

> There can hardly be room for doubt that the framers of the Constitution, when they vested in Congress the power to declare war, they never imagined that they were leaving it to the executive to use the military and naval forces of the United States all over the world for the purpose of actually coercing other nations, occupying their territory, and killing their soldiers and citizens, all according to his own notion of the fitness of things, as long as he refrained from calling his action war or persisted in calling it peace.[29]

As a matter of fact, the Framers withheld from the president the power to work such mischief. As we have observed, he was granted only the authority to respond defensively to the initiation of war through sudden attack upon the United States. In 1806, in *United States v. Smith*, Justice William Paterson of the Supreme Court, who had been a delegate to the Convention, explained the rationale for a presidential response.

> If, indeed, a foreign nation should invade the territories of the United States, it would I apprehend, be not only lawful for the president to resist such invasion, but also to carry hostilities into the enemy's own country; and for this plain reason, that a state of complete and absolute war exists between the two nations. In the case of invasive hostilities, there cannot be war on the one side and peace on the other . . . .There is a manifest distinction between our going to war with a nation at peace, and a war being made against us by an actual invasion, or a formal declaration. In the former case, it is the exclusive province of congress to change a state of peace into a state of war.[30]

[26] *Miller v. The Ship Resolution,* 2 U.S. (2 Dall.) 12, 21 (1782).

[27] See foot notes 109-114.

[28] 5 U.S. (1 Cranch) 1, 28 (1801).

[29] J. B. Moore, *The Collected Papers of John Bassett Moore,* 7 vols. (New Haven: Yale University Press, 1944), 5:195-96.

[30] *United States v. Smith,* 27 F. Cas. 1192, 1230 (C.C.D.N.Y. 1806).

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As described by Paterson, the rationale for vesting the president with authority to repel sudden attacks rested on the fact that an invasion instituted a state of war, thus rendering a declaration of war by Congress superfluous. In such an event, the president was authorized to initiate offensive action against the attacking enemy. But the president's power of self-defense does not extend to foreign lands. The Framers did not give the president the right to intervene in foreign wars, or to choose between war and peace, or to identify and commence hostilities against an enemy of the American people. Nor did they empower him to initiate force abroad on the basis of his own assessments of United States security interests. These circumstances involve choices that belong to Congress under its exclusive province to change a state of peace into a state of war. The president's power is purely defensive and strictly limited to attacks against the United States.

All of the offensive powers of the nation, then, were located in Congress. Consistent with this constitutional theory, the Convention gave to Congress the power to issue "letters of marque and reprisal."[31] Dating back to the Middle Ages when sovereigns employed private forces in retaliation for an injury caused by the sovereign of another state or his subjects, the practice of issuing reprisals gradually evolved into the use of public armies. By the time of the Convention, the Framers considered the power to issue letters of marque and reprisal sufficient to authorize a broad spectrum of armed hostilities short of declared war. In other words, it was regarded as a species of imperfect war. For example, James Madison, Alexander Hamilton, and Thomas Jefferson, among others, agreed that the authorization of reprisals was an act of war and belonged to Congress.[32] As a direct riposte to the revisionists' claim of a presidential power to order acts of war, we may consider what Jefferson said in 1793 of the authority necessary to issue a reprisal: "Congress must be called upon to take it; the right of reprisal being expressly lodged with them by the Constitution, and not with the executive."[33]

By way of summary, when the Framers granted to Congress the power to declare war, they were vesting in that body the sole and exclusive prerogative to initiate military hostilities on behalf of the American people. The record reveals that no member of the Philadelphia Convention and no member of any state ratifying convention held a different understanding of the meaning of the war clause. Thus, if the revisionists are to find textual authority for a presidential power to make war, it must derive from another source.

The Commander In Chief Clause

Article II, section two of the Constitution provides: "The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia

[31] For an excellent discussion of the origins and development of the use of letters of marque and reprisal, with an application to contemporary covert war, see Jules Lobel, "Covert War and Congressional Authority: Hidden War and Forgotten Power," *Pennsylvania Law Review* 134 (June 1986): 1035.

[32] Ibid., 1045-1047.

[33] Quoted in J. B. Moore, *A Digest of International Law,* 8 vols. (Washington, D.C.: U.S. Government Printing Office, 1906), 7:123.

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of the several States, when called into the actual Service of the United States." The commander in chief, in the words of Justice Robert H. Jackson, has been invoked for the "power to do anything, anywhere, that can be done with an army or navy."[34] While stated in the context of reviewing President Truman's invocation of the clause to support his seizure of the steel mills, Jackson's observations certainly anticipated the claims of recent executives who have seized the provision as justification for their military adventures. Presidents Lyndon Johnson, Richard Nixon, Gerald Ford, Jimmy Carter, and Ronald Reagan fall into this category.[35] The clause has also become the principal pillar for those commentators who would hope to vest in the president the constitutional power of war and peace.[36] As we shall see, however, the title of commander in chief conferred no warmaking power whatever; it vested in the president only the authority to repel sudden attacks on the United States, and to direct war, "when authorized or begun." In this capacity, he would direct those forces placed at his command by an act of Congress.

As Francis D. Wormuth observed, the "office of commander in chief has never carried the power of war and peace, nor was it invented by the framers of the Constitution."[37] In fact, the office was introduced by King Charles I in 1639, when he named the Earl of Arundel commander in chief of an army to battle the Scots in the First Bishops War. In historical usage the title of commander in chief has been a generic term referring to the highest officer in a particular chain of command. With the eruption of the English civil wars both the king and Parliament appointed commanders in chief of armies in various theaters of action. In 1645, Sir Thomas Fairfax was appointed commander in chief of all of Parliament's forces, "subject to such orders and directions as he shall receive from both Houses or the committee of Both Kingdoms." The British government continued its practice of designating an officer commander in chief of each army and naval fleet with authority over subordinate commanders in chief. In the eighteenth century, with the development of the cabinet system, the various commanders in chief of armies were placed under the command of the secretary of war. So little discretion was granted that the Duke of Wellington was moved to observe with some pain that "the commander in chief cannot move a Corporal's Guard from one station to another, without a Route countersigned by the Secretary of War. This is the fundamental principle of the Constitution of the British Army.[38] At all events, then, the ranking commander in chief, purely a military post, always was under the command of a political superior.

[34] *Youngstown Sheet and Tube Co. v. Sawyer,* 343 U.S. 579, 643, (1952) (concurring opinion).

[35] For example, the State Department justified Johnson's involvement in Vietnam on the basis of his power as commander in chief. *Department of State Bulletin* 54 (1966), 474, 484. For the same justification by Reagan with respect to his actions in Lebanon and Grenada respectively, see *Weekly Compilation of Presidental Documents* 18 (29 Sept. 1982), 1232; 19 (25 October 1983), 1494. For a good, brief discussion of this practice, see Fisher, *Constitution Conflicts,* 314–18.

[36] Senator Barry Goldwater, for example, has asserted that the commander in chief clause gives the president "the power of war and peace." 117 *Cong. Rec.* S5640 (daily ed. 26 April 1971).

[37] Wormuth, "Nixon Theory," 630.

[38] Quoted in ibid. See also, Ernest May, ed., *The Ultimate Decision: The President as Commander in Chief* (New York: George Braziller, 1960), 3–19.

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The government of England also transplanted the title to America in the eighteenth century by appointing a number of commanders in chief and by the practice of entitling governors of royal, proprietary, and chartered colonies as commander in chief, or occasionally as vice admiral or captain general. The appointment of General Thomas Gage as commander in chief from 1763 to 1776 caused grave concerns for the colonists, for he proceeded to interfere in civil affairs and acquired considerable influence over Indian relations, trade, and transportation. The bitter memories of his decision to quarter troops in the homes of civilians spawned the third amendment to the Constitution. These activities and others prompted the colonists to complain of King George III in the Declaration of Independence that he had "affected to render the Military independent of and superior to the Civil Power."

But colonists had no reason to fear the governors as commander in chief, even though they controlled the provincial forces. After all, the assemblies claimed and asserted the right to vote funds for the militia as well as to call it into service. Ernest May has justly remarked that, "Under one or the other of these principles, they neutralized whatever pernicious power the executive might have had."[39] In fact, the grievances came from the governors; like the Duke of Wellington, they complained of the relative impotence of their positions.

The colonists assemblies' (and later, the states') assertions of the power of the purse as a check on the commander in chief undoubtedly stemmed from the English practice, extending at least as far back as the middle of the seventeenth century. By 1665, as a means of maintaining political control of the military establishment, Parliament had inaugurated the policy of making annual military appropriations with a lifetime of but one year. This practice or strategy sharply emphasized the power of Parliament to determine the size of the army to be placed under the direction of the commander in chief. In 1678 Parliament provided such a meager fund that the king was forced to eliminate a portion of the army. A year later, Parliament provided for a special allocation to be used solely to disband the army. That act imposed a veto on the "King's prerogative as commander in chief." As a means of protecting its decision-making authority over military appropriations, Parliament passed in 1689 legislation that prohibited the diversion of funds from one service to another and provided for severe penalties for disobedience by administrative officials.[40]

This practice had a long influence, for under the Constitution Congress acquired the colonial and state assemblies' rights of voting funds for the armed forces under its powers to raise and support armies and to provide and maintain a navy. Moreover, we find another historical parallel in the clause that provides that "no appropriation of money to that use shall be for a longer term than two years." The requirement of legislative approval for the allocation of funds to raise troops, in England

[39] Quoted in May, *Ultimate Decision*, 9–10.

[40] Abraham D. Sofaer, *War, Foreign Affairs and Constitutional Power: The Origins* (New York: J. B. Lippincott, 1976), 9, 382, 383.

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since the middle of the seventeenth century, and through the framing of the United States Constitution, underscores the principle of political superiority over military command. It also constitutes a sharp reminder that a commander in chief is dependent upon the legislature for an army to command.

Most of the early state constitutions followed the colonial practice of making the governor commander in chief under the authority of state legislatures. For example, Article VII of the Massachusetts Constitution of 1780 provided that the governor shall be "commander-in-chief of the army and navy." In carefully circumscribing his power, the governor was to "repel, resist [and] expel" attempts to invade the Commonwealth, and it vested him "with all these and other powers incident to the offices of captain general . . . to be exercised agreeably to the rules and regulations of the Constitution and the laws of the land, and not otherwise."[41]

The Continental Congress continued the usage of the title when on 15 June 1775 it unanimously decided to appoint George Washington as general. Dated 17 June his commission named him "General and Commander in Chief, of the Army of the United Colonies." The instructions of the Congress drafted by John Adams, Richard Henry Lee, and Edward Rutledge kept Washington on a short leash. He was ordered "punctually to observe and follow such orders and directions, from time to time, as you shall receive from this, or a future Congress of these United Colonies, or Committee of Congress." Congress did not hesitate to instruct the commander in chief on military and policy matters.[42]

The practice of entitling the office at the apex of the military hierarchy as commander in chief and of subordinating the office to a political superior, whether a king, parliament, or congress, was thus firmly established for a century and a half and thoroughly familiar to the Framers when they met in Philadelphia. Perhaps this settled understanding and the consequent absence of concerns about the nature of the post accounts for the fact that there was no debate on the commander in chief clause at the Convention.

In the plan he read to the Convention on 29 May 1787, South Carolinian Charles Pinckney introduced the title of president, and proposed: "He shall, by Virtue of his Office, be Commander in Chief of the Land Forces of U.S. and Admiral of their Navy."[43] Presumably, Pinckney had drawn on the traditional usage of the title employed in the South Carolina Constitution of 1776, which provided for a "president and commander-in-chief," and that of 1778, which included a provision for a "governor and commander in chief."[44] There was no such provision in

[41] Ben P. Poore, *Federal and State Constitutions, Colonial Charters,* 2 vols. (Washington, D.C.: U.S. Government Printing Office, 1877), 965–66. For the New Hampshire Constitution, which was identical to Massachusetts', see ibid., 2:1288; for Delaware, Art. 9, ibid, 1:275; for South Carolina, Art. 26, ibid., 2:1619.

[42] For example, the Continental Congress ordered Washington to Massachusetts to take command of the United Colonies. *Journals of the Continental Congress,* 34 vols. (1904–1937), 2:101. Washington was directed to intercept two British vessels on 5 Oct. 1775. Ibid., 3:276.

[43] Farrand, *Records of the Federal Convention* 3:606.

[44] F. Thorpe, ed., *The Federal and State Constitutions, Colonial Charters, and Other Organic Laws,* 7 vols. (Washington, D.C.: U.S. Government Printing Office, 1909), 3:3243, 3249.

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the Randolph or Virginia Plan, which was read to the Convention on the same day. On 15 June William Paterson submitted the New Jersey Plan, which called for a plural executive. It provided that "the Executives . . . ought . . . to direct all military operations; provided that none of the persons composing the federal executive shall at any time take command of any troops, so as personally to conduct any enterprise as General, or in other capacity."[45] The qualifying clause was meant to discourage a military takeover of the government.[46] When Alexander Hamilton submitted a plan to the Convention on 18 June he probably did not propose the title commander in chief, but he undoubtedly had it in mind when he said the president was "to have the direction of war when authorized or begun."[47]

It was Hamilton's speech, then, that summarized the essence of the president's power as commander in chief: When war is "authorized or begun," the president is to command the military operations of American forces. There was no fear of the legal authority granted by the commander in chief clause, and in fact the clause seemed to excite little dispute. The lone concern was that conveyed by the New Jersey Plan that a president who personally assumed command of army and naval forces might use them to institute a military coup. In the Virginia Ratifying Convention, George Mason, who had been a delegate to the Constitutional Convention, admitted:

> the propriety of his being commander in chief, so far as to give orders and have a general superintendency; but he thought it would be dangerous to let him command in person, without any restraint, as he might make a bad use of it. He was, then, clearly of opinion that the consent of a majority of both houses of Congress should be required before he could take command in person.[48]

James Monroe was concerned that a president could escape punishment because he commanded the military forces. And Patrick Henry, in his typically colorful speech, opined that "the President, in the field, at the head of his Army, can prescribe the terms on which he shall reign master, so far that it will puzzle any American ever to get his neck from under the galling yoke."[49]

In a report to the Maryland legislature on the Constitutional Convention, Luther Martin expressed similar sentiments:

> Objections were made to that part of this article by which the President is appointed commander-in-chief of the army and navy of the United States, and of the militia of the several states; and it was wished to be so far restrained, that he should not command in person; but this could not be obtained.[50]

But these concerns were allayed in the North Carolina Ratifying Convention. Richard Spaight, who had been a delegate to the Constitutional Convention, said

[45] Farrand, *Records of the Federal Convention*, 1:20, 244.
[46] See text accompanying footnotes 50–53.
[47] Farrand, *Records of the Federal Convention*, 1:292.
[48] Elliot, *Debates*, 3:496.
[49] Ibid., 220, 59.
[50] Ibid., 1:378.

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that the commander in chief could be controlled by Congress, which had the exclusive authority to raise and support armies.[51] Similar assurance was offered by James Iredell, later an associate justice of the Supreme Court, who laid bare the authority of the commander in chief and drew a sharp distinction between the powers of that office and those of the king of England.

> I believe most of the governors of the different states have powers similar to those of the President. In almost every country, the executive has command of the military forces. From the nature of the thing, the command of armies ought to be delegated to one person only. The secrecy, dispatch, and decision, which are necessary in military operations, can only be expected from one person. The President, therefore, is to command the military forces of the United States, and this power I think a proper one; at the same time it will be found to be sufficiently guarded. A very material difference may be observed between this power, and the authority of the king of Great Britain under similar circumstances. The king of Great Britain is not only the commander-in-chief of the land and naval forces, but has power in time of war, to raise fleets and armies. He also has the power to declare war. The President has not the power of declaring war by his own authority, nor that of raising fleets and armies. The powers are vested in other hands. The power of declaring war is expressly given to Congress, that is, to the two branches of the legislature . . . .They have also expressly delegated to them the powers of raising and supporting armies, and of providing and maintaining a navy.[52]

Iredell's speech echoed No. 69 of the *Federalist Papers* in which Hamilton sought to calm fears surrounding the commander in chief clause.

> The President is to be commander-in-chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the King of Britain, but in substance much inferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first General and Admiral of the Confederacy; while that of the British kings extends to the *declaring* of war and to the *raising* and *regulating* of fleets and armies, — all which, by the Constitution under consideration, would appertain to the Legislature.[53]

In sum, the president as commander in chief was to be "first General and Admiral" in "the direction of war when authorized or begun." But all political authority remained in Congress, as it had under the Articles of Confederation. As Louis Henkin has observed, "generals and admirals, even when they are 'first,' do not determine the political purposes for which troops are to be used; they command them in the execution of policy made by others."[54] The commander in chief in the tradition of a century and a half was made subordinate to a political superior. The office carried with it no power to declare war; as Hamilton and Iredell explained, that is the exclusive prerogative of Congress.

[51] Ibid., 4:114.

[52] Ibid., 4:107–108. As a member of the Supreme Court, Justice Paterson held that it was for Congress alone to declare war. *United States v. Smith,* 27 F. Cas. 1192, 1196–97 (No. 16342) (C.C.D.N.Y., 1806).

[53] *The Federalist* No. 69, 448. (Emphasis in original.)

[54] Louis Henkin, *Foreign Affairs and the Constitution* (Mineola, N.Y.: Foundation Press, 1972), 50–51.

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The Executive Power Clause

Article II, section I of the Constitution provides: "The executive power shall be vested in the President of the United States of America." In recent years various presidents and commentators have sought to squeeze from the executive power clause a presidential authority to make war. In 1966, for example, the State Department cited the president's role as chief executive to adduce constitutional support for Lyndon Johnson's entry into the Vietnam war.[55] Richard Nixon's legal advisers similarly invoked the clause to justify his adventures in Southeast Asia.[56] In 1975, President Gerald Ford found constitutional warrant in the "President's Constitutional executive power" for the military activities he ordered in Cambodia. On 26 April 1980, President Jimmy Carter authorized an attempted rescue of American citizens held hostage by Iran. He justified the attempt as being "pursuant to the President's powers under the Constitution as Chief Executive and as Commander in Chief . . . ."[57]

The claim asserted by Johnson, Nixon, Ford, and Carter — that the grant of executive power includes authority to initiate hostilities — was considered and rejected in the Constitutional Convention; indeed, it caused them much alarm. As we have seen, the Randolph Plan provided for a "national executive," which would have "authority to execute the national laws . . . and enjoy the executive rights vested in Congress by the confederation." Charles Pinckney said he was "for a vigorous executive but was afraid the executive powers of the existing Congress might extend to peace and war which would render the executive a monarchy, of the worst kind, towit an elective one." John Rutledge shared his concern. He said "he was for vesting the Executive power in a single person, tho' he was not for giving him the power of war and peace." James Wilson, second in importance only to Madison at the Constitutional Convention, sought to ease their fears; he "did not consider the Prerogatives of the British Monarch as a proper guide to defining the Executive powers. Some of these prerogatives were of a legislative nature. Among others that of war and peace. The only powers he conceived strictly Executive were those of executing the laws, and appointing officers not (appertaining to and) appointed by the legislature." He added: "Making peace and war are generally determined by the writers on the Law of Nations to be legislative powers — executive powers ex vi termini, do not include the Rights of war and peace."[58]

No delegate to the Convention ever suggested or even intimated that executive power is a fountainhead of power to make war. For the Framers, the phrase "executive power" was limited, as Wilson said, to "executing the laws, and appointing

[55] Leonard Meeker, "The Legality of the United States Participation in the Defense of Vietnam," *Department of State Bulletin* 54 (1966), 474.

[56] William P. Rogers, "War Powers," 1207–1212.

[57] President Carter justified his attempted rescue of the hostages on 24 April 1980 on his powers as chief executive and commander in chief. 126 *Cong. Rec.* H2991 (daily ed. 28 April 1980).

[58] Farrand, *Records of the Federal Convention,* 1:62–70.

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officers." Roger Sherman "considered the Executive magistracy as nothing more than an institution for carrying the will of the Legislature into effect . . . ." Madison agreed with Wilson's definition of executive power. He thought it necessary "to fix the extent of Executive authority . . . as certain powers were in their nature Executive, and must be given to that department," and added that "a definition of their extent would assist the judgment in determining how far they might be safely entrusted to a single officer." The definition of the executive's power should be precise, thought Madison; the executive power "shd. be confined and defined."[59] And so it was. In a draft reported by James Wilson, the phrase, "The Executive Power of the United States shall be vested in a single person," first appeared. His draft included an enumeration of the president's powers to grant reprieves and pardons and to serve as commander in chief; it included as well the charge that "it shall be his duty to provide for the due and faithful execution of the Laws." The report of the Committee of Detail altered the "faithful execution" phrase to "he shall take care that the laws of the United States be duly and faithfully executed." This form was referred to the Committee on Style, which drafted the version that appears in the Constitution: "The executive power shall be vested in a president of the United States of America . . . .He shall take care that the laws be faithfully executed."[60]

The debate, to the extent there was one, centered almost entirely on whether there should be a single or plural presidency. The first sentence of Article II, section 2, "The Executive Power shall be vested in a President," depicts the conclusion reached.[61] Aside from this, there was no argument. There was no challenge to the definition of executive power held by Wilson and Madison; nor was there even an alternative understanding advanced. And there was no argument about the scope of executive power; indeed, any latent fears were quickly arrested by assurances from Madison and Wilson that the power of peace and war was not an executive, but a legislative function. Given the Framers' conception of the chief executive as little more than an institution to effectuate the "will of the legislature," that is, to execute the laws and to appoint officers, there was little about the office to fear. As Raoul Berger has observed, "the 'executive power' was hardly a cornucopia from which could pour undreamed of powers."[62]

Of course, the widespread "aversion of the people to monarchy," the "unhappy memories of the royal prerogative; fear of tyranny, and distrust of any one man, kept the Framers from giving the President too much head."[63] That the Framers

[59] Ibid., 65–70

[60] Ibid., 2:171, 185, 572, 574, 597, 600.

[61] Edward Corwin fairly remarked: "The Records of the Constitutional Convention make it clear that the purposes of this clause were simply to settle the question whether the executive branch should be plural or single and to give the executive a title." Corwin, "The Steel Seizure Case: A Judicial Brick Without Straw," *Columbia Law Review* 53 (January 1953): 53.

[62] Raoul Berger, *Executive Privilege: A Constitutional Myth* (Cambridge, Mass.: Harvard University Press, 1974), 52.

[63] Hamilton, in *The Federalist* No. 67, 436; Henkin, *Foreign Affairs,* 33. Henkin has observed that

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did not vest the president with too much authority is evidenced by the relative calm with which the state ratifying conventions discussed the presidency. No doubt this is attributable to the careful and specific enumeration of the president's full powers. In South Carolina, Charles Pinckney reported that "we have defined his powers, and bound him to such limits, as will effectually prevent his usurping authority."[64] Similarly, Chief Justice Thomas McKean told the Pennsylvania Ratifying Convention that executive officers "have no . . . authority . . . beyond what is by positive grant . . . delegated to them." In Virginia, Governor Randolph asked, "What are his powers? To see the laws executed. Every executive in America has that power." That view was echoed by James Iredell in North Carolina, and James Bowdoin in Massachusetts, who said the president's powers were "precisely those of the governors."[65]

And the powers of the governors were strictly limited. The Virginia Constitution of 1776, for example, stated that the governor shall "exercise the executive powers of government, according to the laws of the Commonwealth; and shall not, under any pretense, exercise any power or prerogative, by virtue of any law, statute, or custom of England."[66] Thomas Jefferson's "Draft of a Fundamental Constitution for Virginia," written in 1783 and inspired in part by the excesses of the Virginia legislature, explained that "By Executive powers, we mean no reference to those powers exercised under our former government by the Crown as of its prerogatives . . . .We give them these powers only, which are necessary to execute the laws (and administer the government)."[67] In short, as James Madison said, state executives across the land were "little more than Cyphers."[68]

It is not at all surprising that the founding generation would so sharply limit the power of its executives. In colonial America, the belief was prevalent, wrote Corwin, that "the 'executive magistracy' was the natural enemy, the legislative assembly the natural friend of liberty."[69] There was a deep fear of the potential for abuse of power in the hands of both hereditary and elected rulers. The colonial experience had laid bare the source of despotism. "The executive power," wrote a Delaware Whig, "is ever restless, ambitious, and ever grasping at increase of power."[70] Thus James Madison wrote in *The Federalist:* "The founders of our

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the "powers explicity vested in [the president] are few and seem modest, far fewer and more modest than those bestowed upon Congress." Ibid., 37.

[64] Elliot, *Debates,* 4:329.

[65] Ibid., 2:540, 3:201; 4:107; 2:128.

[66] Poore, *Federal and State Constitutions,* 2:1910–1911.

[67] Quoted in Warren, *Makings of the Constitution,* 177.

[68] Farrand, *Records of the Federal Convention,* 2:35.

[69] Corwin, *The President,* 5–6.

[70] Quoted in Gordon Wood, *The Creation of the American Republic 1776–1787* (Chapel Hill: University of North Carolina Press, 1969), 135. The colonists were virtually obsessed with power, "its endlessly propulsive tendency to expand itself beyond legitimate boundaries." Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge, Mass.: Harvard University Press, 1967), 56–57.

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republics . . . seem never for a moment to have turned their eyes from the overgrown and all-grasping prerogative of an hereditary magistrate."[71]

It was in this context that the Framers designed the office of the presidency. Far from establishing an executive resembling a monarchy, the Framers, in fact, severed all roots to the royal prerogative. Executive powers amounted to little more than the execution of laws and the appointment of various officers. There is no intimation whatever in the records of the Constitutional Convention or in any state ratifying conventions that executive power includes the right to make war or even to initiate hostilities.

A critical review of the proceedings and debates in the Constitutional Convention and in the various state ratifying conventions inescapably leads to the conclusion that the warmaking power, including the authority to initiate both limited and general war, was vested exclusively in Congress. The record establishes that neither the commander in chief clause nor the executive power clause affords any support for the claim of presidential power to commence hostilities. Indeed, such authority was specifically withheld from the president. That this was the settled understanding of the war power is evidenced by statements of the founding generation, views of eminent treatise writers, early judical decisions, and by nineteenth-century practice.

The Early Understanding

Practice and Commentary

In early 1793 war broke out between Great Britain and France. President George Washington declared that the treaty of alliance of 1778 did not obligate the United States to defend French territory in America, and he issued a proclamation of neutrality. Whether this power belonged to the president or Congress was debated by Alexander Hamilton and James Madison.[72] Hamilton sought to defend the proclamation:

> If the legislature have the right to make war on the one hand — it is on the other the duty of the Executive to preserve Peace till war is declared; and in fulfilling that duty, it must necessarily possess a right of judging what is the nature of the obligations which the treaties of the Country impose on the Government; and when in pursuance of that right it has concluded that there is nothing in them inconsistent with a state of neutrality, it becomes both its province and its duty to enforce the laws incident to that state of the Nation.[73]

[71] *The Federalist* No. 48, 322.

[72] Hamilton wrote under the pseudonym "Pacificus"; Madison used the pen name "Helvidius." The debate is reprinted in Richard Loss, *The Letters of Pacificus and Helvidius* (Delmar, N.Y.: Scholars, Facsmiles, 1976).

[73] "Pacificus, No. 1," in *Hamilton Papers,* 15:40. Hamilton noted specifically "the right of the Legislature to declare war and grant letters of marque and reprisal." Ibid., 39.

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In response Madison contended that if the proclamation was valid it meant that the president had usurped congressional power to decide between a state of peace or a state of war. Despite this difference, both agreed that the power to commence war is vested in Congress. Madison wrote:

> Every just view that can be taken of this subject admonishes the public of the necessity of a rigid adherence to the simple, the received, and the fundamental doctrine of the constitution, that the power to declare war, including the power of judging of the causes of war, is *fully* and *exclusively* vested in the legislature; that the executive has no right, in any case, to decide the question, whether there is or is not cause for declaring war; that the right of convening and informing Congress, whenever such a question seems to call for a decision, is all the right which the constitution has deemed requisite or proper; and that for such, more than for any other contingency, this right was specially given to the executive.[74]

It is to be emphasized that throughout their lives both Hamilton and Madison maintained the doctrine that it is for Congress alone to initiate hostilities. The president has only the power to repel invasions.[75]

In 1798 France repeatedly raided and seized American vessels. On 27 April 1798, Congress passed a law that increased the size of the navy.[76] Secretary of War James McHenry, who seemed to want war, asked Hamilton if the legislation authorized the president to initiate hostilities. Hamilton responded on 17 May:

> Not having seen the law which provides the *naval armament,* I cannot tell whether it gives any new power to the President; that is, any power whatever with regard to the employment of the ships. If not, and he is left at the foot of the Constitution, as I understand to be the case, I am not ready to say that he has any other power than merely to employ the ships as convoys, with authority to *repel* force by *force* (but not to capture) and to repress hostilities within our waters, including a marine league from our coasts. Anything beyond this must fall under the idea of *reprisals,* and requires the sanctions of that department which is to declare *or make war.*[77]

During his first administration Thomas Jefferson was confronted with attacks on American shipping in the Mediterranean by the pasha of Tripoli, who also demanded annual tribute from the United States. Jefferson wrote the pasha on 21 May 1801, to inform him that he was ordering a "squadron of observation" to the Mediterranean to protect U.S. commerce. While the ships were forbidden to take offensive action, one U.S. vessel, the *Enterprise,* was attacked. Lieutenant Andrew Sterrett of the *Enterprise* rendered the attacking ship dead in the water and released it. On the occasion of his first annual message to Congress on 8 December 1801, Jefferson adopted the Hamiltonian position and explained:

[74] "Helvidius, No. 1," in *Writings of James Madison,* G. Hunt, ed., 9 vols. (New York: Putnam, 1900–1910), 6:174. Hereinafter referred to as *Writings.* (Emphasis in original.)

[75] See footnotes 79–86.

[76] 1 U.S. Statutes at Large (Stat.) 552, 5th Cong. 2nd sess., chap. 31, (27 April 1798).

[77] *The Works of Alexander Hamilton,* H. C. Lodge, ed., 2d. ed., 12 vols. (New York: Putnam, 1904), 10:281–82. Hereinafter referred to as *Hamilton Works.* (Emphasis in original.)

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> Unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense, the [Tripolitan] vessel, being disabled from committing further hostilities, was liberated with its crew. The Legislature will doubtless consider whether, by authorizing measures of offense also, they will place our force on an equal footing with that of its adversaries. I communicate all material information on this subject, that in the exercise of this important function confided by the Constitution to the Legislature exclusively their judgment may form itself on a knowledge and consideration of every circumstance of weight.[78]

But Jefferson's legal argument was met with harsh criticism from Alexander Hamilton, who thought the release of the Tripolitan vessel contemptible, but nonetheless maintained:

> "The Congress shall have power to declare war"; the plain meaning of which is, that it is the peculiar and exclusive province of Congress, *when the nation is at peace,* to change that state of war; whether from calculations of policy, or from provocations or injuries received; in other words, it belongs to Congress only *to go to war.* But when a foreign nation declares or openly and avowedly makes war upon the United States, they are then by the very fact *already at war,* and any declaration on the part of Congress is nugatory; it is at least unnecessary. . . .
>
> Till the Congress should assemble and declare war, which would require time, our ships might, according to the hypothesis of the message, be sent by the President to fight those of the enemy as often as they should be attacked, but not to capture and detain them; if beaten, both vessels and crews would be lost to the United States; if successful, they could only disarm those they had overcome, and might suffer them to return to the place of common rendezvous, there to equip anew, for the purpose of resuming their depredations on our towns and on our trade.[79]

Hamilton probably attacked Jefferson for partisan reasons. The Tripolitan vessel had been rendered impotent; and Hamilton's hyperbole notwithstanding, there was no further threat to "our trade" let alone "our towns." Thus it was proper for Jefferson to refer the matter to Congress as that body that has the authority to change a state of peace into a state of war. At any rate, on 6 February 1802, Congress passed an act that met the concerns of Jefferson and Hamilton. The act empowered the president "fully to equip, officer, man, and employ such of the armed vessels of the United States as may be judged requisite by the President of the United States, for protecting effectually the commerce and seamen thereof on the Atlantic Ocean, the Mediterranean and adjoining seas"; to direct the ships' commanders to "subdue, seize, and make prize of all vessels, goods and effects, belonging to the Bey of Tripoli, or to his subjects . . . and also to cause to be done all such other acts of precaution or hostility as the state of war will justify, and may, in his opinion, require."[80]

[78] Quoted in James D. Richardson, *Compilation of the Messages and Papers of the Presidents, 1787–1897,* 10 vols. (Washington, D.C.: U.S. Government Printing Office, 1897), 1:326–27.

[79] "Letters of Lucius Crassus, No. 1," quoted in *Hamilton Works,* 8:249–50. (Emphasis in original.)

[80] 2 Stat. 129, 7th Cong. 1st sess., chap 4 (6 February 1802).

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Jefferson's understanding of the war clause underwent no revision. On 6 December 1805, Jefferson informed Congress of the dispute with Spain over the boundaries of Louisiana and Florida. Jefferson said that Spain evidenced an

> intention to advance on our possessions until they shall be repressed by an opposing force. Considering that Congress alone is constitutionally invested with the power of changing our condition from peace to war, I have thought it my duty to await their authority for using force. . . . But the course to be pursued will require the command of means which it belongs to Congress exclusively to yield or to deny. To them I communicate every fact material for their information and the documents necessary to enable them to judge for themselves. To their wisdom, then, I look for the course I am to pursue, and will pursue with sincere zeal that which they shall approve.[81]

Like Jefferson, President James Madison was aggrieved by the punishment and harassment inflicted on United States vessels. On 1 June 1812, he expressed to Congress his extreme resentment of the British practice of seizing American ships and seamen and of inducing Indian tribes to attack the United States. Madison complained:

> We behold, in fine, on the side of Great Britain a state of war against the United States, and on the side of the United States a state of peace toward Great Britain.
>
> Whether the United States shall remain passive under these progressive usurpations and these accumulating wrongs, or, opposing force, to force in defense of their national rights, shall commit a just cause into the hands of the Almighty Disposer of Events, avoiding all connections which might entangle it in the contest or views of other powers, and preserving a constant readiness to concur in an honorable reestablishment of peace and friendship, is a solemn question which the Constitution wisely confides to the legislative department of the Government. In recommending it to their early deliberations I am happy in the assurance that the decision will be worthy the enlightened and patriotic councils of a virtuous, a free, and a powerful nation.[82]

This exercise in presidential restraint speaks volumes for the intentions of the Framers with respect to the initiation of hostilities. As the leading architect of the Constitution and as a principal actor in the debate on the war clause, Madison certainly knew that when the question arises of whether the United States should oppose force with force it is a "solemn question which the Constitution wisely confides to the legislature department of the Government." This view exactly coincides with his earlier position. In 1793 Madison had written that "the power to declare war, including the power of judging the causes of war, is *fully* and *exclusively* vested in the legislature; that the executive has no right, in any case, to decide the question, whether there is or is not cause for declaring war. . . ." And in 1793 he stated: "Those who are to *conduct a war* cannot in the nature of things, be proper or safe judges, whether *a war ought* to be *commenced*, *continued*, or *concluded*. They are barred from the latter functions by a great principle in free

[81] Richardson, *Messages and Papers of Presidents,* 1:389–90.
[82] Ibid., 2:489–90.

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government, analogous to that which separates the sword from the purse, or the power of executing from the power of enacting laws."[83]

Following his announcement of what has become known as the Monroe Doctrine, on 2 December 1823,[84] President James Monroe was confronted with international circumstances that seemed to invite the use of force, but Monroe repeatedly disclaimed any constitutional power to initiate hostilities. In 1824 Colombia feared an attack by France. Citing the Monroe Doctrine, the Colombian government inquired of Secretary of State John Quincy Adams, "In what manner the Government of the United States intends to resist on its part any interference of the holy Alliance for the purpose of subjugating the new Republics or interfering in their political forms?" The question was considered in a cabinet meeting, which Adams summarized in his diary: "The Columbia republic to maintain its own independence. Hope that France and the Holy Allies will not resort to force against it. If they should, the power to determine our resistance is in Congress. The movements of the Executive will be as heretofore expressed. I am to draft an answer." While the matter was on the table, Monroe wrote James Madison to explain the problem: "The subject will of course be weighed thoroughly in giving the answer. The Executive has no right to compromise the nation in any question of war. . . ." And John Quincy Adams informed Columbia: "You understand that by the Constitution of the United States, the ultimate decision of this question belongs to the Legislative Department of the Government."[85] The threat dissolved, and no force was used.

On 7 December 1824, President Monroe reported that American shipping off the coast of Florida was being plundered by pirates. While various measures might be employed to stop the pirates, Monroe referred the matter to Congress: "Whether those robbers should be pursued on the land . . . or any other measure be resorted to to suppress them, is submitted to the consideration of Congress." When the Senate asked for more information, Monroe responded with three proposals and asked that "a power commensurate with either resource be granted to the Executive. . . ."[86]

While President Andrew Jackson probably resented some congressional decisions regarding international affairs during his administration, he nonetheless agreed that Congress controlled the warmaking power. On 6 December 1831, Jackson delivered his third annual address, in which he said that an American ship had been seized "by a land acting, as they pretend, under the authority of the Government of Buenos Ayres [sic]." He augmented the naval squadron in the area, but asked Congress to "clothe the Executive with such authority and means as they may deem necessary for providing a force adequate to the complete protec-

[83] *Writings,* 6:174, 148. (Emphasis in original.)

[84] Richardson, *Messages and Papers of Presidents,* 2:218.

[85] Moore, *International Law,* 6:446. See also, W.S. Robertson, "South America and the Monroe Doctrine, 1824–1828," *Political Science Quarterly* 30 (March 1915): 89.

[86] Richardson, *Messages and Papers of Presidents,* 3:258, 279.

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tion of our fellow citizens fishing and trading in those areas."[87] Congress did not act on his proposal.

In his annual message on 1 December 1834, Jackson informed Congress that France had not honored an 1831 treaty by which the French government agreed to meet claims for damages to American shipping between 1800 and 1817. He asked for legislation "authorizing reprisals upon French property, in case provision shall not be made for the payment of the debt at the approaching session of the French Chambers."[88]

President Jackson's request met opposition later that day when Representative Nathaniel Claiborne warned: "if this power be conferred upon him, it will be virtually conferring upon the President unconstitutional power—a power to declare war. . . . Gentlemen have read history to little effect, if they are ready to clothe a single individual with the power of making war."[89] It was also opposed by Albert Gallatin who on 5 January 1835 wrote to Edward Everett: "The proposed transfer by Congress of its Constitutional powers to the Executive, in a case which necessarily embraces the question of war or no war, appears to me a most extraordinary proposal, and entirely inconsistent with the letter and spirit of our Constitution, which vests in Congress the power to declare war and grant letters of marque and reprisal." The Senate denied Jackson's request. The denial was based on a report issued by the Senate Foreign Relations Committee, which was reported by Henry Clay on 6 January 1835:

> In the first place the authority to grant letters of marque and reprisal being specially delegated to Congress, Congress ought to retain to itself the right of judging of the expediency of granting them under all the circumstances existing at the time when they are proposed to be actually issued. The committee are not satisfied that Congress can, constitutionally, delegate this right. It is true that the President proposes to limit the exercise of it to one specified contingency. But if the law be passed as recommended, the President might, and probably would, feel himself bound to execute it in the event, no matter from what cause, of provision not being made for the fulfillment of the treaty by the French Chambers, now understood to be in session. . . . Congress ought to reserve to itself the Constitutional right, which it possesses, of judging of all the circumstances by which such refusal might be attended; of hearing France, and of deciding whether, in the actual posture of things as they may then exist, and looking to the condition of the United States, of France, and of Europe, the issuing letters of marque and reprisal ought to be authorized, or any measure adopted.[90]

As secretary of state, Daniel Webster echoed the views of his predecessors on the meaning of the war clause. In 1851 he denied a request for the United States to aid Hawaii in its dispute with France.

> In the first place, I have to say that the war-making power in this Government rests en-

[87] Ibid., 1:1116.
[88] Ibid., 2:1325.
[89] Quoted in Wormuth, *Vietnam,* 44.
[90] Moore, *International Law,* 7:126–128.

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> tirely with Congress, and that the President can authorize belligerent operations only in the cases expressly provided for by the Constitution and the laws. By these no power is given to the Executive to oppose an attack by one independent nation or the possessions of another. We are bound to regard both France and Hawaii as independent states, and equally independent, and though the general policy of the Government might lead it to take part with either in a controversy with the other, still, if this interference be an act of hostile force, it is not within the Constitutional power of the President; and still less is it within the power of any subordinate agent of government, civil or military.[91]

James Buchanan was insistent on the constitutional repository of the war power. As secretary of state in 1848 he responded to a request from Hawaii for the United States to lend military aid to collect claims by stating that "the President could not employ the naval force of the United States to enforce its payment without the authority of an act of Congress. The war-making power alone can authorize such a measure." In 1860 Buchanan directed Secretary of State Lewis Cass to explain to an American company in Nicaragua that asked the administration to use force to collect claims that such a measure would constitute "an act of war," which "is a measure which Congress alone possesses the constitutional power to adopt."[92]

There was no departure from this understanding of the war clause throughout the nineteenth century; indeed, a search of historical records for a claim to presidential power to initiate hostilities is made in vain.[93] In fact, it was left to twentieth-century office-holders and commentators to adduce constitutional power for the president to make war.

The Mexican War, which lasted from 1846 to 1848, deserves attention in this context. Following the annexation of Texas, a dispute arose over the title to territory between the Nueces River and the Rio Grande. President James Polk ordered an army into the area, and it defeated the Mexican forces. In a message to congress, Polk offered the rationale that "Mexico has passed the boundary of the United States, has invaded our territory and shed American blood on American soil." It was on the basis of this report that Congress declared, "by the act of the Republic of Mexico, a state of war exists between that Government and the United States."[94]

If Polk's rationale was correct, then his action could not be challenged on constitutional grounds, for it was well established that the president had the authority to repel sudden attacks. If, however, he had been disingenuous, if he had in fact initiated hostilities, then he had clearly usurped the warmaking power of Congress. It is worth noticing that he made no claim to constitutional power to make war.

The Whigs greatly resented Polk's actions, and in 1847 the two houses of Con-

[91] Ibid., 163.

[92] Ibid., 165–66.

[93] Albert Putney, "Executive Assumptions of the War-Making Power," *National University Law Review* 7 (May 1927), 1.

[94] 9 Stat. 9 29th Cong. 1st sess. chap. 16 (13 May 1846). Richardson, *Messages and Papers of Presidents*, 3:2292.

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gress commenced an inquiry into the circumstances surrounding the outbreak of the war. On 3 January 1848, the House concluded, by a vote of 85–81, that the war had been "unnecessarily and unconstitutionally begun by the President of the United States."[95] Representative Abraham Lincoln of Illinois voted with the majority. Lincoln's law-partner, William H. Herndon, had written a letter in which he assumed Polk had initiated the hostilities but nevertheless defended the action as a legitimate means of preventing an invasion by Mexico. Lincoln answered his friend in words which have become famous:

> Let me first state what I understand to be your position. It is that if it shall become necessary to repel invasion, the President may, without violation of the Constitution, cross the line and invade the territory of another country, and that whether such necessity exists in any given case the President is the sole judge . . . .
>
> Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion, and you allow him to do so whenever he may choose to say he deems it necessary for such a purpose, and you allow him to make war at his pleasure. Study to see if you can fix any limit to his power in this respect, after having given him so much power as you propose . . . .
>
> The provision of the Constitution giving the war-making power to Congress was dictated, as I understand it, by the following reasons: Kings have always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our convention understood to be the most oppressive of all kingly oppressions, and they resolved to frame the Constitution that no one man should hold the power of bringing oppression upon us. But your view destroys the whole matter, and places our President where kings have always stood.[96]

As president, Abraham Lincoln did not alter his view of the war power. This conclusion may be drawn from his first annual message on 3 December 1861, when he referred to prior congressional authorization for American ships to "defend themselves against and to capture pirates." It was his opinion that congressional authorization was necessary "to recapture any prizes which pirates may make of United States vessels and their cargoes, . . ." which was exactly the understanding of the war clause held by Madison, Hamilton, and Jefferson.[97] It bears reminder, moreover, that none of Lincoln's actions in the Civil War constitutes a precedent for presidential initiation of war. The attack on Fort Sumter represented a "sudden attack" which Lincoln had the constitutional power to repel.[98]

The treatise writers of the nineteenth century were uniformly in agreement on the meaning of the war clause: war cannot lawfully be initiated by the president but only by Congress. Chancellor James Kent, one of the republic's most eminent jurists, wrote in his *Commentaries* in 1829:

[95] *Congressional Globe,* 30th Cong. 1st sess., 95.

[96] Quoted in Wormuth, *Vietnam,* 11.

[97] Richardson, *Messages and Papers of Presidents,* 6:47.

[98] Arthur Schlesinger, Jr. has written: "There is no suggestion that Lincoln supposed he would use this power in foreign wars without congressional consent." Schlesinger, "Congress and the Making of American Foreign Policy," *Foreign Affairs* 51 (1972), 78, 89.

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> But, though a solemn declaration, or previous notice to the enemy, be now laid aside, it is essential that some formal public act, proceeding directly from the competent source, should announce to the people at home their new relations and duties growing out of a state of war, and which should equally apprise neutral nations of the fact. . . . As war cannot lawfully be commenced on the part of the United States without an Act of Congress, such an act is, of course, a formal official notice to all the world, and equivalent to the most solemn declaration.[99]

In his celebrated *Commentaries* of 1833, Joseph Story, then an associate justice of the Supreme Court, likened the congressional power to declare war to the "similar exclusive power under the Articles [of Confederation]," and assessed Charles Pinckney's motion in the Constitutional Convention that the Senate be vested with the war power for the sake of dispatch, secrecy, and vigor:

> On the other hand, it may be urged in reply that the power of declaring war is not only the highest sovereign prerogative, but that it is in its own nature and effects, so critical and calamitous, that it requires the utmost deliberation, and the successive revise of all the councils of the nation. . . . The representatives of the people are to lay the taxes to support a war, and therefore have a right to be consulted as to its time, and the ways and means of making it effective. The co-operation of all branches of the legislative power ought, upon principle, to be required in this highest act of legislation as it is in all others.[100]

In 1864, William Whiting wrote:

> Congress has the sole power, under the constitution, and to sanction or authorize the commencement of *offensive* war. . . . But this is quite a different case from a defensive or civil war. The constitution establishes the mode in which this government shall *commence* wars, and what authority shall ordain, and what declarations shall precede, any act of hostility; but it has no power to prescribe the manner in which others should begin war against us. Hence it follows, that when war is commenced against this country, by aliens or by citizens, no declaration of war by the government is necessary. The fact that war is levied against the United States, makes it the duty of the President to call out the army or navy to subdue the enemy, whether foreign or domestic. . . . The Constitution, made as it was by men of sense, never leaves the nation powerless for self-defence. That instrument, which gives the legislative authority to declare war, whenever war is *initiated* by the United States, also makes it the duty of the President, as commander-in-chief, to engage promptly and effectually in war; or, in other words, to make the United States a belligerent nation, whenever he is legally called upon to suppress rebellion, repel invasion, or to execute the laws against armed and forcible resistance thereto. . . . It must not be forgotten that by law of nations and by modern usage, no formal *declaration* of war *to the enemy* is necessary. All that is now requisite is for each nation to make suitable declarations or proclamations to their own citizens, to enable them to govern themselves accordingly.[101]

[99] Kent, *Commentaries,* 55.

[100] Joseph Story, *Commentaries on the Constitution of the United States,* 4th ed., 2 vols. (Boston: Little Brown, 1873), 2:87.

[101] William Whiting, *War Powers Under the Constitution of the United States,* 10th ed. (Boston: Little Brown, 1864), 38–40. (Emphasis in orginal.)

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In his treatise on the Constitution in 1868, John Norton Pomeroy wrote: "It is sufficient to know that the people considered the act and state of war a matter of such transcendent importance and magnitude, involving such untold personal and material interests, hazarding the prosperity, and perhaps the very existence of the body politic, that they committed its formal inception to that department of the government which more immediately represents them, —the Congress."[102]

Thomas Cooley, one of the most learned legal scholars of the nineteenth century and chief justice of the Michigan Supreme Court, said in 1880 of the president as commander in chief: "The power to declare war being confided to the legislature, he has no power to originate it, but he may in advance of its declaration employ the army and navy to suppress insurrection or repel invasion."[103]

In 1887, Hermann von Holst wrote: The right 'to declare war' belongs to Congress alone. . . . Of course, the United States may get into a war without Congress' having declared war. War is, in the first place, a state of fact, the appearance of which cannot be made wholly dependent, by any constitutional provisions whatever, upon the pleasure of one of the nations concerned. As far as that is possible, however, Congress has the exclusive right of the initiative. If a foreign power brings war against the United States, then it is not only the right, but the duty, of the president to oppose the enemy with all means placed at his disposal by the constitution and the laws."[104]

In his learned treatise on the Constitution, Westel W. Willoughby reflected the teaching and understanding of the nineteenth century when he stated that "the right of making war belongs exclusively to the supreme or sovereign power of the State. This power in all civilized nations is regulated by the fundamental laws or municipal constitution of the country. By our own Constitution, the power is lodged in Congress."[105]

Judicial Precedents

The meaning of the war clause was put beyond doubt by several early judicial decisions. No court since has departed from this early view. In 1800 in *Bas v. Tingy,* the Supreme Court considered for the first time whether Congress might declare an imperfect or limited war, as well as a perfect or general war.[106] The case was decided in the context of a limited war between the United States and France from

[102] John Norton Pomeroy, *Introduction to the Constitutional Law of the United States,* 10th ed. (Boston: Houghton, Mifflin, 1888), 373.

[103] Thomas Cooley, *The General Principles of Constitutional Law in the United States of America,* 3d. ed. (Boston: Little Brown, 1898), 316.

[104] Hermann von Holst, *The Constitutional Law of the United States of America,* 8 vols. (Chicago: Callaghan and Co., 1887), 164–65.

[105] Westel W. Willoughby, *The Constitutional Law of the United States,* 3 vols. (New York: Baker, Voorhis and Co., 1929), 1560

[106] 4 Dall. 37 (1800). The Federal Court of Appeals, the prize court established by the Continental Congress, had distinguished perfect from imperfect war in *Miller v. The Ship Resolution,* 2 Dall. 19, 21 (1782). See text accompanying footnotes 26–34.

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1798 to 1801. Of immediate concern to the Court was the legal status of the hostilities. Justice Bushrod Washington held:

> It may, I believe, be safely laid down, that every contention by force between two nations, in external matters, under the authority of their respective governing, is not only war, but public war. If it be declared in form, it is called solemn, and is of the perfect kind; because one whole nation is at war with another whole nation; and all the members of the nation declaring war, are authorized to commit hostitities against all the members of the other, in every place, and under every circumstance. In such a war all the members act under a general authority, and all the rights and consequences of war attach to their condition.
>
> But hostilities may subsist between two nations, more confined in its nature and extend, being limited as to places, persons, and things; and this is more properly termed imperfect war; because not solemn, and because those who are authorized to commit hostilities, act under special authority, and can go [no] further than to the extent of their commission. Still, however, it is a public war, because it is an external contention by force between some members of the two nations, authorized by the legitmate powers. It is a war between two nations, though all the members are not authorized to commit hostilities such as in a solemn war, where the government restrains the general power.
>
> Now, if this be the true definition of war, let us see what was the situation of the United States in relation to France. In March, 1799, Congress had raised an army, stopped all intercourse with France; dissolved our treaty, built and equipped ships of war; and commissioned private armed ships; enjoining the former, and authorizing the latter, to defend themselves against the armed ships of France, to attack them on the high seas, to subdue and take them as prize, and to recapture armed vessels found in their possession. Here, then, let me ask, what were the technical characters of an American and French armed vessel, combating on the high seas, with a view the one to subdue the other, and to make prize of his property? They certainly were not friends, because there was a contention by force; nor were they private enemies, because the contention was external, and was authorized by the legitimate authority of the two governments. If they were not our enemies, I know not what constitutes an enemy . . . .
>
> What then is the evidence of legislative will? In fact and law we are at war: an American vessel fighting with a French vessel, to subdue and make her prize, is fighting with an enemy, accurately and technically speaking: and if this be no sufficient evidence of the legislative mind, it is explained in the same law.[107]

Thus Congress, the "legitimate authority," had passed legislation that had taken the United States into a state of imperfect war, a limited war. Justice Samuel Chase was of the same opinion:

> Congress is empowered to declare a general war, or Congress may wage a limited war; limited in place, in object, in time. If a general war is declared, its extent and operations are only restricted and regulated by the *jus belli,* forming a part of the law of nations; but if a partial war is waged, its extent and operation depend on our municipal laws.
>
> What then is the nature of the contest subsisting between America and France? In my

[107] 4 Dall. 40–42.

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judgment it is a limited, partial war. Congress has not declared war in general terms; but Congress has authorized hostilities on the high seas by certain persons in certain cases.[108]

Justice William Paterson, who had been a leading delegate to the Constitutional Convention, shared the view of his brethren:

The United States and the French republic are in a qualified state of hostility. An imperfect war, or war, as to certain objects, and to a certain extent, exists between the two nations; and this modified warfare is authorized by the constitutional authority of our country. It is a war *quoad hoc.* As far as Congress tolerated and authorized the war on our part, so far may we proceed in hostile operations. It is a maritime war, a war at sea for certain purposes. . . . It is therefore a public war between the two nations qualified, on our part, in the manner prescribed by the constitutional organ of our country.[109]

In 1801, in *Talbot v. Seeman,* the Court upheld the right of a United States vessel to take a prize. Chief Justice John Marshall, who was a member of the Virginia Ratifying Convention, delivered the opinion:

The whole powers of war being, by the Constitution of the United States, vested in Congress, the acts of that body can alone be resorted to as our guides in this inquiry. It is not denied, nor in the course of the argument has it been denied, that Congress may authorize general hostilities, in which case the general laws of war apply to our situation; or partial war, in which case the laws of war, so far as they actually apply to our situation, must be noticed.[110]

In *Little v. Barreme,* decided in 1804, Marshall held that John Adams's instructions to seize ships were in conflict with an act of Congress, and were therefore illegal.[111]

In 1806, in *United States v. Smith,* the question of whether the president may initiate hostilities was decided by Justice Paterson, riding circuit, who wrote for himself and District Judge Matthias Tallmadge: "Does he [the president] possess the power of making war? That power is exclusively vested in Congress. . . ." He stated: "There is a manifest distinction between our going to war with a nation at peace, and a war made against us by an actual invasion, or a formal declaration. In the former case, it is the exclusive province of Congress to change a state of peace into a state of war."[112]

In the *Prize Cases* in 1863 the Supreme Court considered for the first time the power of the president to respond to sudden attacks. Justice Robert Grier delivered the opinion of the court:

By the Constitution, Congress alone has the power to declare a national or foreign war. . . .

[108] 4 U.S. (Dall.) 43.
[109] Ibid., 45–46.
[110] 5 U.S. (1 Cranch) 1, 28 (1801).
[111] 6 U.S. (2 Cranch) 170, 177–78.
[112] 27 F. Cas. 1192, 1230 (No. 16342) (C.C.D.N.Y. 1806).

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> If a war be made by invasion of a foreign nation, the President is not only authorized but bound to resist force, by force. He does not initiate the war, but is bound to accept the challenge without waiting for any special legislative authority. And whether the hostile party be a foreign invader, or States organized in rebellion, it is none the less a war, although the declaration of it be "unilateral."[113]

These judicial decisions established the constitutional fact that it is for Congress alone to initiate hostilites, whether in the form of general or limited war; the president is granted only the power to repel sudden attacks. Moreover, the Supreme Court has never held that the commander in chief clause confers power to initiate war. In 1895 in *United States v. Sweeny,* Justice Henry Brown wrote for the Court that the object of the clause was to give the president "such supreme and undivided command as would be necessary to the prosecution of a successful war."[114] In 1919, Senator George Sutherland, who became an associate justice of the Supreme Court, wrote: "Generally speaking, the war powers of the President under the Constitution are simply those that belong to any commander-in-chief of the military forces of a nation at war. The Constitution confers no war powers upon the President as such."[115] In 1942, in *Ex parte Quirin,* Chief Justice Harlan Stone said of the commander in chief's power:

> The Constitution thus invests the President with power to wage war which Congress has declared, and to carry into effect all laws passed by Congress for the conduct of war and for the government and regulation of the Armed Forces, and all laws defining and punishing offenses against the law of nations, including those which pertain to the conduct of war.[116]

It is thus against the intentions of the Framers, against the debate and vote on the war clause, and against a wealth of executive, legislative, and judical precedents of the nineteenth century that recent executives have invoked a presidential power to initiate military hostilities. The evidence against their case is overwhelming. Their claims ignore the text of the Constitution, and they find no authority in our legal history.

The Continuing Controversy

Until 1950 it has been justly observed, "no judge, no President, no legislator, no commentator ever suggested that the President had legal authority to initiate war."[117] Since then, however, a steady pattern of presidential warmaking has developed, and its legality has been defended on a number of grounds. We have reviewed those claims that are based on constitutional grants of authority and have found them

[113] 67 U.S. (2 Black) 635, 668 (1863).

[114] 157 U.S. 281, 284 (1895).

[115] George Sutherland, *The Constitution and World Affairs* (New York: Columbia University Press, 1919), 73.

[116] 317 U.S. 1, 26 (1942).

[117] Wormuth and Firmage, *To Chain the Dog of War,* 28.

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to be without merit. In fact, there is not the slightest hint of evidence to support such claims. So defenders have contrived additional arguments which, for the sake of completeness, require consideration. First, it has been contended that the president may initiate hostilities by virtue of an "inherent power" that is derived from extra-constitutional sources. Second, it has been asserted that the president derives a warmaking authority from his status as the "sole organ" of American foreign policy. Third, it has been argued that executive war making acquires legal validity through repetition.

Advocates of inherent executive power typically ground their argument in the dictum of Justice George Sutherland in the 1936 case of *United States v. Curtiss-Wright Export Corporation.*[118] It is quite likely that *Curtiss-Wright* is the most frequently cited case involving the allocation of foreign affairs powers.[119] It carries uncommon significance in spite of the fact that it raised merely the narrow question of the constitutionality of a joint resolution that authorized the president to halt the sale of arms to Bolivia and Paraguay, then involved in armed conflict in the Chaco, if it would "contribute to the re-establishment of peace between those countries."[120] The Court, per Justice George Sutherland, ultimately upheld the delegation against the charge that it was unduly broad. If in his opinion for the Court Justice Sutherland had stuck to the delegation issue, *Curtiss-Wright* would have been overshadowed by *Panama Refining Co. v. Ryan,*[121] and it never even would have surfaced in the table of contents of undergraduate casebooks. But Sutherland strayed from the delegation question and in some ill-considered dicta imparted an unhappy legacy, the chimerical idea that the external sovereignty of the nation is vested in the presidency and is neither derived from nor restrained by the Constitution.

Sutherland's theory of inherent presidential power stems from his bizarre reading of Anglo-American legal history. According to him, domestic and foreign affairs are different, "both in respect of their origin and nature." The "domestic or internal affairs" are confined by the reach of the Constitution. But authority over foreign affairs is not dependent upon a grant from the Constitution since the powers of external sovereignty "passed from the Crown not to the colonies severally, but to the colonies in their collective and corporate capacity of the United States of America."[122] Sutherland's historical excursion is without factual foundation. Scholars have demolished his thesis by demonstrating that in 1776 states were sovereign entities.[123] Proof is found in the Articles of Confederation, approved by the

[118] 229 U.S. 304 (1936).

[119] For some of the evidence see Charles Lofgren, *"United States v. Curtiss-Wright Export Corporation:* An Historical Reassessment," *Yale Law Journal* 83 (November 1973): 1, 3–5; Gerhard Casper, "Constitutional Constraints on the Conduct of Foreign and Defense Policy: A Nonjudicial Model," *University of Chicago Law Review* 43 (Spring 1976): 463, 475.

[120] 299 U.S. 304, 312.

[121] 293 U.S. 388 (1935).

[122] 299 U.S. 304, 315–16.

[123] See Lofgren, *"Curtiss-Wright,"* 1; David M. Levitan, "The Foreign Relations Power: An Analysis of Mr. Justice Sutherland's Theory," *Yale Law Journal* 55 (April 1946), 467.

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Continental Congress in November 1777 and ratified in March 1781. Article II of that governing document stated: "Each State retains its Sovereignty, freedom and independence, and every power . . . which is not . . . expressly delegated to the United States, in Congress assembled." Further, in Article III, it was provided, "The said states hereby severally enter into a firm league of friendship with each other, for their common defense. . . ." Finally, Article IX stated: "The United States in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war . . . [and of] entering into treaties and alliances. . . ."[124] From this it should be understood that the states entered into a "league of friendship"; they did not attempt to create a "sovereign" or "corporate" body. Indeed, the thirteen sovereignties, "which emerged from the principles of the Revolution,"[125] only grudgingly *delegated* powers to the Continental Congress. This was, in Randolph's words at the Constitutional Convention, because of the "jealousy of the states with regard to their sovereignty."[126] Thus the "states, in their highest sovereign capacity,"[127] delegated powers to the Continental Congress; among these powers was an express grant, per Article IX, of the war and treaty powers. As Raoul Berger has observed, this grant "alone undermines Sutherland's central premise that these powers were derived from 'some other source' than the several states."[128]

Even if we were to assume that the power of external sovereignty had been by some method transferred directly from the Crown to the Union, it remains to be explained why that power would be vested in the president. As Justice Felix Frankfurter stated, "the fact that power exists in the Government does not vest it in the President."[129] Indeed, the Supreme Court has ruled on several occasions that the sovereign power in foreign affairs is held by Congress.[130] At any rate, there is nothing in Sutherland's theory that would explain the location of this power in the presidency.[131]

Finally, Sutherland was plainly in error in his contention that the conduct of foreign policy is not restricted by the Constitution. James Madison put the question beyond doubt when he wrote in *The Federalist No. 45* that "the powers delegated by the proposed Constitution are *few and defined* . . . [they] will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce," to demonstrate that foreign relations powers were derived from the Constitution.[132]

[124] Commager, *Documents,* 111–14.

[125] *Chisholm v. Georgia,* 2 U.S. (2 Dall) 419, 470 (1793) (Jay, C.J.).

[126] Farrand, *Records of the Federal Conventions,* 1:19.

[127] In *Rhode Island v. Massachusetts,* 37 U.S. (12 Pet.) 657, 720 (1838), the Court held that by virtue of the revolution, the power of the Crown and Parliament devolved on the "states in their highest sovereign capacity."

[128] Raoul Berger, "The President's Unilateral Termination of the Taiwan Treaty," *Northwestern Law Review* 75 (November 1980): 591–594.

[129] *Youngstown Sheet and Tube Co. v. Sawyer,* 343 U.S. 579, 604 (1952).

[130] See *Chae Chan Ping v. United States* (Chinese Exclusion Case), 130 U.S. 581, 603–4 (1889); *Perez v. Brownell,* 356 U.S. 44, 57 (1958).

[131] Henkin, *Foreign Affairs,* 27.

[132] *Federalist No. 45,* 303. (Emphasis added.)

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Clearly there is no evidence from the Constitutional Convention to suggest even the slightest flirtation with the concept of an undefined reservoir of presidential power.

Moreover, since *Curtiss-Wright* the Court consistently has taken the position that powers are tethered to the Constitution. In the *Steel Seizure Case,* Justice Hugo L. Black, speaking for the Court, delivered a weighty rebuke to the claim of extra-constitutional "executive power."[133] In the same case Justice Robert Jackson sharply dismissed Sutherland's discussion of inherent presidential power as mere "dictum."[134] In *Reid v. Covert,* the Court rejected the contention that foreign affairs powers are beyond the reach of the Constitution's due process clauses. Writing for the Court, Black stated: "The United States is entirely a creature of the Constitution. Its powers and authority have no other source. It can only act in accordance with all the limitations imposed by the Constitution."[135] The assertion of an inherent presidential power to initiate war will not likely find aid and comfort in the *Curtiss-Wright* decision. Arthur Schlesinger, Jr., has justly remarked:

> The case itself involved the power to act under congressional authorization, not the power to act independently of Congress. Moreover, it involved the power over foreign commerce, not the power over war. Its actual holding was restricted. Its expansive contentions were in the nature of *obiter dicta.* And, as Thomas Reed Powell used to tell his students at the Harvard Law School, "Just because Mr. Justice Sutherland writes clearly, you must not suppose that he thinks clearly."[136]

Moreover, the text of the Constitution and the debates in the Constitutional Convention and the state ratifying conventions, as well as early judicial decisions — in short, all of the evidence — incontrovertibly establish that Congress alone has the constitutional power to commence war. And, as John Quincy Adams stated, "the war power is strictly constitutional."[137]

Extollers of a unilateral executive warmaking authority also have invoked the Lockean Prerogative as a source of inherent presidential power. Drawing on John Locke's defense of the right of an executive to act for the common good, even if it requires breaking the law (*salus populi suprema lex*), defenders have adduced a similar claim for the president.[138] There is not a scintilla of evidence whatever that the Framers intended to incorporate the Lockean Prerogative in the Constitution. And lacking a textual statement or grant of power to that effect, such an intent is indispensable to the claim of a constitutional power. In fact, the evidence runs in the other direction. Fears of executive power led the Framers to enumerate

[133] 343 U.S. 587 (1952).

[134] Ibid., at 634.

[135] 354 U.S. 1, 16–17 (1957).

[136] Arthur M Schlesinger, Jr. *The Imperial Presidency* (Boston: Houghton, Mifflin, 1973), 103.

[137] 12 *Cong. Debates* 4037–4038 (1836).

[138] See Kenneth M. Holland, "The War Powers Resolution: An Infringement on the President's Constitutional and Prerogative Powers" in R. Gordon Hoxie *The Presidency and National Security Policy* (Montpelier, Vt.: Capital City Press), 378.

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the president's power to "define and confine" the scope of his authority. And clearly, an undefined reservoir of discretionary power in the form of Locke's prerogative would have unraveled the carefully crafted design of Article II and repudiated the Framers' stated aim of corralling executive power.

The absence of such authority means that by definition any presidential assertion of a prerogative power to violate the law is an extra-constitutional claim; an action based on such an assertion is definitionally unconstitutional. This claim then does not afford a president any constitutional or legal authority to initiate war. The issue is merely whether a president would commence war in violation of the supreme law of the land and then attempt to justify it on the grounds of necessity. Of course, he cannot be the judge of his own actions. He must seek immunity and exoneration from Congress in the way of retroactive authorization, a practice which is deeply imbedded in American tradition.[139] Whether or not congressional approval of the claimed prerogative is granted, the review itself is an admission of presidential usurpation of power.

Revisionists have also asserted a presidential warmaking authority on the basis of his role as the "sole organ" of American foreign policy.[140] This sentiment recently found expression in somewhat different language when Ronald Reagan drew upon his "prime responsibility for the conduct of foreign relations" to defend his invasion of Grenada.[141] The argument has acquired a certain following and therefore deserves close scrutiny.

In *Curtiss-Wright Export Corp.* Justice Sutherland stated that the authority in foreign affairs was essentially an executive power, which he explained "as the very delicate, plenary and exclusive power of the President as the sole organ of the federal government in the field of international relations — a power which does not require as a basis for its exercise, an act of Congress."[142] Let us consider the historical context from which Sutherland ripped the "sole organ" doctrine. In short, Sutherland greatly expanded on Congressman John Marshall's speech in 1800 in which he noted that, "The President is the sole organ of the nation in its external relations . . . Of consequence, the demand of a foreign nation can only be made on him. . . ."[143] Marshall was defending the decision of President John Adams to surrender to British officials a British deserter, Jonathan Robbins, in accordance with the Jay Treaty. The Robbins affair involved a demand upon the United States, according to Marshall, and it required a response from the president on behalf of the American people. At no point in his speech did Marshall argue that the president's exclusive authority to communicate with a foreign nation included a power to formulate or develop policy. Corwin properly concluded: "Clearly, what Marshall had foremost in mind was simply the President's role as an instrument

[139] For discussion of this point, see Wormuth and Firmage, *War Power,* 12-15; Fisher, *Conflicts,* 287-92.

[140] See *United States v. Curtiss-Wright Export Corp.,* 299 U.S. 304 (1936).

[141] *Weekly Compilation of Presidential Documents,* 19 (25 October 1983), 1494.

[142] 299 U.S. at 320.

[143] 10 *Annals of Cong.* 613-14 (1800).

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of communication with other governments."[144] This point of procedure had been acknowledged in 1793 by Thomas Jefferson, who remarked that the president,

> being the only channel of communication between this country and foreign nations, it is from him alone that foreign nations or their agents are to learn what is or had been the will of the nation; and whatever he communicates as such, they have a right, and are bound to consider as the expression of the nation, and no foreign agent can be allowed to question it.[145]

And this view has not been challenged. Thus, it was Sutherland who infused a purely communicative role with a substantive policy-making function and thereby manufactured a great power out of the Marshallian "sole organ" doctrine. To have done this, as Myres McDougal and Michael Riesman observed, was to confuse the "organ" with the "organ grinder,"[146] and to undermine the Framers' design for cooperation in the conduct of foreign affairs.

The persistance of the claim that the president is constitutionally empowered with the prime responsibility for the conduct of American foreign policy, that he is the sole organ, is really quite puzzling, because the claim cannot survive close scrutiny. As Article II of the Constitution indicates, the president shares the treaty-making power and the power to appoint ambassadors with the Senate. In fact, the Framers assumed that the treaty power would constitute the primary mechanism by which American foreign relations would be conducted. Hamilton echoed the sentiment of the Convention when he assured the New York State Ratifying Convention that the Senate, "together with the President are to manage all our concerns with foreign nations."[147] Moreover, Congress has complete power over foreign commerce and, of course, it alone is the repository of the power to declare war. Only two powers in foreign relations are assigned exclusively to the president. He is commander in chief; but he acts in this capacity by and under the authority of Congress. And he has the power to receive ambassadors. Hamilton, Madison, and Jefferson agreed that this clerk-like function was purely ceremonial in character. While it has come to entail recognition of states at international law, which carries with it certain legal implications, the Framers declined to make it a discretionary policy-making instrument. As Hamilton explained it, the duty of recognizing states was more conveniently placed in the hands of the executive than the legislature.[148] This exhausts the textual grant of authority to the president with respect to foreign affairs jurisdiction. The Framers clearly granted the bulk of foreign relations powers to Congress. The president's constitutional authority pales by comparison. It appears that the sole organ doctrine is simply so much fanciful rhetoric.

[144] Edward S. Corwin, *The President: Office and Powers*, 3d ed. (New York: New York University Press, 1948), 216.

[145] Thomas Jefferson, *The Writings of Thomas Jefferson,* P. L. Ford, ed., 10 vols. (New York: Putnam, 1892–1899), 6:451.

[146] Quoted in Berger, "Taiwan Treaty," 591.

[147] Elliot, *Debates,* 2:305.

[148] Hamilton, *The Federalist No. 69,* at 451.

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Finally, the extollers have fashioned the argument that executive warmaking, if repeated often enough, acquires legal validity. This is the contention as expounded by Henry P. Monaghan that "history has legitimated the practice of presidential war-making."[149] This argument rests on the premise that the president frequently has exercised the war power without congressional authorization. The actual number of these episodes varies among the several compilations, but defenders usually list between one and two hundred unilateral acts, each of which constitutes a legitimizing precedent for future executive wars.[150]

In detail and in conception the argument is flawed. In the first place, the revisionists' lists are inaccurately compiled. Francis D. Wormuth has thoroughly deflated their claims with what Raoul Berger has rightly characterized as a "painstaking analysis."[151] Space does not permit a critical analysis of each alleged assertion of executive precedents. Consider, however, an error common to the lists: the claim that unilateral warmaking was initiated by the "undeclared" war with France in 1798. That claim, as Wormuth justly observed, "is altogether false. The fact is that President John Adams took absolutely no independent action. Congress passed a series of acts that amounted, so the Supreme Court said, to a declaration of imperfect war; and Adams complied with these statutes."[152] Moreover, many of the episodes involved initiation of hostilities by a military commander, not by authorization from the president. If practice establishes law, then the inescapable conclusion is that every commander of every military unit has the power to initiate war. What is perhaps most revealing about presidential understanding of the constitutional locus of the war power is that in the one or two dozen instances in which presidents have personally made the decision unconstitutionally to initiate acts of war, they have *not* purported to rely on their authority as commander in chief or chief executive. In "all of these cases the Presidents have made false claims of authorization, either by statute or by treaty or by international law."[153]

Moreover, it cannot be maintained that constitutional power, in this case the war power, can be acquired through practice. In *Powell v. McCormack,* Chief Justice Earl Warren wrote: "That an unconstitutional action has been taken before surely does not render that action any less unconstitutional at a later date." Earlier, Justice Felix Frankfurter, writing for a unanimous Court, echoed a centuries-old principle of Anglo-American jurisprudence: "Illegality cannot attain legitimacy

[149] Henry P. Monaghan, "Presidential War-Making," *Boston University Law Review* 50 (Spring 1970): 19.

[150] For example, in 1967 the State Department published a study which listed 137 cases of unilateral presidential action. Department of State, Historical Studies Division, *Armed Actions Taken by the United States Without A Declaration of War, 1789–1967* (Washington, D.C.: U.S. Government Printing Office, 1967). J. Terry Emerson, legal assistant to Senator Barry Goldwater, published a list in 1973 in which he alleged 199 incidents of presidential acts of war without congressional authorization. 119 *Cong. Rec.* S14174 (daily ed. 20 July 1973).

[151] Berger, *Executive Privilege,* 76. See Wormuth, *Nixon Theory,* 652–664; Wormuth and Firmage, *To Chain the Dog of War,* 133–49.

[152] Wormuth, *Vietnam,* 718.

[153] Wormuth and Firmage, *To Chain the Dog of War,* 149.

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through practice."[154] The Court has repeatedly denied claims that the president can acquire power by a series of usurpations. If it were otherwise, the president might aggrandize all governmental power. Neither Congress nor the judiciary could lawfully restrain the exercise of the president's accumulated constitutional powers. Clearly, this practice would scuttle our entire constitutional jurisprudence. Thus, the most recent act of usurpation stands no better than the first.

Finally, it is unwarranted to conclude that presidential usurpation, indulged by congressional acquiesence or passivity, attains a legal status. Congress cannot divest itself of those powers conferred upon it by the Constitution, a necessary predicate of the separation of powers doctrine.[155] Neither congressional abdication nor acquiescence can accomplish a transfer of power to the executive. As the Court has held, harking back to an old axiom of English law, once powers are "granted, they are not lost by being allowed to lie dormant, any more than non-existent powers can be prescripted by an unchallenged exercise."[156]

Of course, in recent years the congressional power to decide for war and peace has at times been usurped by the executive. In this regard there is a fundamental conflict between the theory of the Constitution and the practice of the government. It is sometimes observed that the intentions of the Framers are outdated and irrelevant. But before we too readily acquiesce in this verdict we might do well to consider the policy reasons underlying the decision to vest the war power in Congress and not the president. Painfully aware of the horror and destructive consequences of warfare, the Founders decided that before the very fate of the nation was put to risk there ought to be some discussion, some deliberation by Congress, the people's representatives. The Founders did not, as James Wilson explained, want "one man to hurry us into war."[157] As things stand in the United States today, however, the president has been exercising that power. Perhaps in this case the intentions of the Framers are not irrelevant. Perhaps their policy concerns are even more compelling today than they were two centuries ago.*

[154] *Powell v. McCormack,* 395 U.S. 486, 546 (1969); *Inland Waterways Corp. V. Young,* 309 U.S. 518, 524 (1940).

[155] Corwin observed that "none of the departments may abdicate its powers to either of the others." Corwin, *President,* 9. See also, *Panama Refining Co. v. Ryan,* 293 U.S. 388, 421 (1935).

[156] *United States v. Morton Salt Co.,* 338 U.S. 632, 647 (1950).

[157] Elliot, *Debates,* 2:528.

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The In-and-Outer System: A Critical Assessment

HUGH HECLO

Americans have created a unique approach to staffing the top of government. To be sure, the line between political and administrative functions is ambiguous in every nation, and it has become ever more troublesome as governments have expanded the scope of their activities in the postwar period.[1] The uniqueness of the American approach lies in peopling this vague realm of political administration—the positions of executive leadership—with an assortment of characters whose career stakes are tied neither to party politics nor to government administration. In other democratic nations, the essential distinction is between a relatively small number of government executives with political party credentials and, below them, a much larger number of civil servants with more or less permanent attachments to the administrative machinery. In the United States, conduct of the national government has become heavily dependent on in-and-outers. These people are most easily characterized by what they are not: they are not politicians, and they are usually not bureaucrats in any conventional sense of that term.

To its critics, the American approach is a recipe for confused and ineffective

[1] For recent comparative surveys, see Ezra Suleiman, ed., *Bureaucrats and Policy Making* (New York: Holmes & Meier, 1984); Joel D. Aberbach, Robert D. Putnam, and Bert A. Rockman, *Bureaucrats and Politicians in Western Democracies* (Cambridge, Mass.: Harvard University Press, 1981); Colin Campbell, *Governments Under Stress* (Toronto: University of Toronto Press, 1983); Bruce L. R. Smith, ed., *The Higher Civil Service in Europe and Canada* (Washington, D.C.: Brookings Institution, 1984).

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government by amateurs. To its supporters, the in-and-outer system provides an openness that is part of the genius of American politics. It is a debate in which the clichés fly fast and furious among the small set of people who pay attention to such matters. "Continuity, institutional memory, professional competence—Down with those who would politicize the bureaucracy," say the critics. "New blood, fresh ideas, political accountability—Up with those who would increase bureaucratic responsiveness," cry the supporters. Protected by this enduring intellectual stalemate, the political personnel system of nonpoliticians continues to evolve under its own complex momentum.

As recently as 1977 it was possible to lament the understudied nature of this political executive world. Today the amount of attention and information on it has grown considerably, as represented in several recent volumes.[2] We have acquired a great deal more information, but there does not seem to be any evaluative framework that would let us think about what it all means. The political executives themselves appear to be basically satisfied with the system, apart from various complaints about working conditions (too little pay, too much stress, etc.). But the question is, should the nation be satisfied? Does the in-and-outer system as currently constituted adequately meet the needs of contemporary government? How would we know?

A System That Just Grew

There is no document of state, no great debate or major decision of public record available which uncovers the foundations of our current in-and-outer system. The assorted arrangements for appointing political executives grew little by little in no preconceived way and in no particular order throughout the nooks and crannies of the executive branch.

It is important to recognize the difference between the political executive realm that has evolved in recent times and the classic system of nineteenth-century political patronage, although the distinction is not absolute. Political patronage was a method of oiling the gears of party machinery through the mass distribution of public jobs. This jobbery, which so bedeviled nineteenth-century presidents, focused on the large numbers of routine tasks in customs houses, post offices, and so on which ordinary party supporters could be expected to fill. The modern in-and-outer system is different. To be sure, one can on occasion find tinges of old-fashioned jobbery in Washington—the presidential campaign worker whose only claim to gainful public employment is past service as a faithful go-for, the displaced congressman in need of maintaining his lifestyle, the benighted relative of some important personage, or the friend of a friend. But these instances are

[2] John W. Macy et al., *America's Unelected Government* (Cambridge, Mass.: Ballinger, 1983); Philip Heymann, *The Politics of Public Management* (New Haven: Yale University Press, 1987); Twentieth Century Fund, *The Government Managers* (New York: Priority Press, 1987); G. Calvin Mackenzie, ed., *The In-and-Outers* (Baltimore: Johns Hopkins University Press, 1987).

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only the pale imitation of a real patronage system. They are treated as a necessary evil by presidential personnel managers, and the positions are sometimes referred to disparagingly as "jobs for slobs." To judge from the available evidence, only a handful of presidential appointees have made a profession of party politics (the Reagan administration ranks highest since 1964, with about 3 percent of its appointees, but it must be remembered that the survey excludes honorific positions that are typically used as political plums). In contrast to the results produced by a patronage operation, the in-and-outers are a technocratic group called upon to fill jobs that are far from routine. They are asked to play challenging roles as policy managers and administrative leaders. Their previous involvement in policy matters is often substantial, but their attachments to government or politics as organizational enterprises are always transient.

Civil service reform edged its way forward from the 1880s on into the 1940s, gradually encompassing the great bulk of federal jobs and destroying the basis for the old patronage at the national level. As the spoils system receded, American politics was left with an unfamiliar question: what to do about that remnant of jobs at the upper levels of the bureaucracy? It was a quite small collection of positions: assistant secretaries, bureau chiefs, chief clerks, a growing body of regulatory commissioners, an occasional undersecretary. Appeals to mere partisan loyalty were increasingly falling into public disfavor. Presidents and members of Congress struggled intermittently for control of such jobs on a one-by-one basis, depending on the issues of the time. Reading through the records of these long-forgotten Washington battles, it is easy to see why there is no state document or coherent record of debate regarding the political executive system.[3] Presidents and their supporters had enough trouble coping with the controversies of the moment without worrying about any larger design that would be of use mainly to their successors. Members of Congress and congressional committees maintained leverage most easily by dealing piecemeal with those fragments of the executive branch of most direct interest to them. The in-and-outer "system"—a misleading term if it is taken to mean a work of conscious design—emerged as a by-product of these microcalculations of political advantage.

There was one group that did have a design to propose, indeed a design that was sometimes seen as immanent in the march of events. This group was a loose confederation of Progressive reformers and their intellectual descendants. One inevitably does some injustice in trying to produce a capsule portrait of these people and their ideas. Often they themselves were in disagreement; often the subtlety of their ideas was repressed in order to make a publicly persuasive case. Seen in a larger perspective, however, this body of opinion was based on observations about government as it was and as it should be, and it had a more or less coherent, doctrinal quality to it. One thinks of Frank Goodnow, Leonard D. White, Louis

[3] E. Pendleton Herring, *Federal Commissioners: A Study of Their Careers and Qualifications* (Cambridge, Mass.: Harvard University Press, 1936); Arthur W. Macmahon and John D. Millet, *Federal Administrators* (New York: Columbia University Press, 1939), chap. 9, n. 1.

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Brownlow, Charles E. Merriam, John Gaus, Marshall Dimock, and many others. As recent scholarship is making clear, Franklin Roosevelt, in his aspirations if not always in his practice as a professional politician, can be included in this group, as can many earlier Progressive politicians.[4]

In an era of sophisticated social science concepts and methods, the vogue has been to disparage the doctrines of public management associated with Progressive reformers. Any number of doctoral dissertations and academic publications have helped build scholarly reputations by showing the naiveté of supposing there is any clear distinction among politics, policy, and administration. In my view, the naiveté actually runs in the other direction. Modern critics have scored points by mistaking a social science theory for what was actually a normative political doctrine. Of course, the reformers themselves encouraged this criticism by claiming that their version of a public philosophy for managing affairs of state was based on "scientific" principles, a claim that helped make their message more politically acceptable and less open to attack as elitist, statist, and antidemocratic. Later scholars crowed over the fact that the reformers' doctrine was far from being scientific—either as a set of logically consistent propositions (yielding mutually inconsistent "proverbs of public administration") or as empirically verifiable theory (only occasionally conforming to theory). Lost on these literal-minded critics was the essence of the matter, viz., that a normative theory need not be consistent in order to be coherent and that if behavior were in reliable conformity with norms there would be no need for norms in the first place.

What was this normative theory that the Progressive reformers proposed during the interregnum between the old jobbery and the current in-and-outer regime? Details were not precise, but the general thrust was. With certain important exceptions, modern government was no longer the place for amateurs. It was actual experience, and the remembrance of experience transmitted from mentors to students, that schooled the Progressive reformers, and not some abstract theories of social science. Modern historians have rediscovered what the reformers knew firsthand: the national government by the end of the nineteenth century was scarcely governing in any real sense of the term. The widespread corruption of the Gilded Age caught attention and helped make the reformers' case, but such misdeeds were merely symptomatic of the deeper fact that private interests were filling a vacuum where there should be public authority. The Progressives argued that amid the self-destructive forces unleashed by rapid economic and social change, Washington was failing to perform the first task of a government: to create an orderly community.

In the executive personnel system envisioned by the reformers, departmental secretaries would have small staffs of personal aides.[5] Typically, these would be

[4] Sidney Milkis, "Franklin D. Roosevelt and the Transcendence of Partisan Politics," *Political Science Quarterly* 100 (Fall 1985).

[5] Leonard D. White, *Government Career Service* (Chicago: University of Chicago Press, 1935); and Macmahon and Millett, *Federal Administrators*.

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the assistant secretaries of the department, and they would be the personal representatives of the secretary himself. This would entail helping the secretary keep the department in line with administration policies, consulting with other political figures in the executive branch and Congress, dealing with the press, making special inquiries for the department head, and so on. Operational units of the department—the bureaus—would be headed by career civil servants, as would the central administrative offices (budget, personnel, procurement). Usually, the reformers also foresaw one senior career officer as playing the role of general manager of these different departmental subunits, a model heavily influenced by the admiration of most reformers for the British system of permanent undersecretaries. There were, of course, some differences of opinion even among these Progressive advocates of good government. Shouldn't bureaus dealing with politically sensitive issues have a political head? But since the location of political hotspots changed over time, how could any stable set of distinctions between political and career positions be maintained?

Notwithstanding such uncertainties, the heart of the doctrine remained clear. Political officials would represent the public view and play the deciding role over policy issues. Permanent career officials would represent the expert point of view, offering their advice as nonpartisan professionals and line supervisors over the day-to-day work of government. Contrary to later caricatures by their critics, the more thoughtful of the reformers did not see politics, policy, and administration as separate realms carried on in isolation. The design was intended to achieve a more reliable way of ensuring a proper mixture of perspectives in the work of government. More carefully differentiating the expectations surrounding political officials and career executives was an attempt to provide a way for each to exert the appropriate influence over the other: political heads would be better able to give direction to the administrative work, and permanent officials would be more capable of putting their professional knowledge in the service of advising those who were responsible to the public for determining policy. The flavor of these views can be conveyed in a few quotations from the most detailed study conducted during this era: "with a few brilliant exceptions, appointments to assistant secretaryships have been political . . . with little regard to qualifications or the needs of the post. . . . All too often they have been carried as idling cogs in the national machine. . . . Political officers can accomplish proper ends more readily through trained administrators than through the clumsy mechanism of newcomers. . . . It has been the transient chiefs, selected under political or semipolitical auspices, who have contributed most to the sort of bureau autonomy that is unwholesome."[6]

The Progressive reformers obviously had more success at advancing civil service measures in the mass of public jobs than in the higher levels of executive management. It is easy to forget, however, that there was a good deal of sentiment vaguely favorable to the reformers' intentions. As the new regulatory apparatus

[6] Macmahon and Millett, *Federal Administrators*, 302, 467–68.

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of the federal government grew to accommodate a rapidly industrializing country, the organizing principle adopted was one advocating more permanent professionalized appointments rather than the old-style patronage. Starting with the Civil Service Commission and Interstate Commerce Commission in the 1880s and then adding in rapid succession the Federal Reserve Board, Federal Trade Commission, and U.S. Tariff Commission, Congress chose to head these new bodies with commissioners serving fixed terms of office in staggered order so that no entire commission could be changed at any one time. Given America's historic concern with democratic responsiveness, some of these terms were surprisingly long (originally twelve years for the Tariff Commission and Federal Reserve Board). These provisions obviously were aimed at preventing presidents from gaining direct control over what members of Congress regarded as semijudicial arms of the legislature. It is important to note, however, that even in this so-called era of party government, Congress was willing to create structures that were also designed to be shielded from the partisan impulses of Congress itself, as well as from either party's control of the presidency.

It is worth briefly recalling this history because there is still a strong strain of the Progressive doctrine in many of those concerned with public management today. Say what one will, there is often a yearning for some clean line of advance toward good government, some inherently "right" way of assuring a properly balanced mixture of politically and professionally expert perspectives. In our more sophisticated and cynical era, however, it has become too embarrassing to admit that in adopting this view one is making an essentially normative claim on the body politic. Notwithstanding this feeling and the persistence of the structure of "independent" regulatory commissioners, the Progressive reformers' design can hardly be said to have prevailed. In today's system, large numbers of assistant secretaries have become line managers of the departmental subunits rather than personal assistants to the cabinet secretary, precisely the reverse of what the founders of American public administration had intended. Bureau chiefs have in no way become reliably associated with professional career status; the relevant data show almost two hundred temporary presidential appointees in the last twenty years who were bureau or agency heads or deputies to them. No department has a career general manager of its affairs. A brief effort in the 1950s and 1960s to establish career business managers for the departments (by requiring presidential appointment of careerists to positions as assistant secretaries for administration) soon eroded to the present state of appointing in-and-outers. Political executives have been mixed with career executives at even deeper levels of the departments rather than at the apex of the organization, which was the one right place for mixture because it was the one responsible place, according to reformers. If there were a new Leonard White to write the administrative history of these last fifty years, it surely would be a story that would disappoint the old Leonard White.

Trying to understand the dynamics of American government that led to the disappointment of reformers' expectations seems to be essential for a realistic assessment of the in-and-outer system that exists now and that is evolving as our legacy

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to government in the twenty-first century. There seem to be several reasons why the in-and-outer system has just grown as it has. The first we have already mentioned. Neither presidents nor members of Congress have had any real incentive to step back and consider the political appointment structure as a whole. Preoccupied as they all are with the pressing political issues of the moment, doing nothing systematic has been the line of least resistance.

A second reason for a system based on happenstance is the growth of government activity at the national level in recent generations. The political hotspots, as some reformers predicted, have been changeable. Adding functions to government (in economic affairs, social welfare, and environmental protection, for example) has led to the creation of new agencies and the assignment of new tasks to old agencies. Such activities are, in the public eye, usually controversial and always subject to competing claims for political control. Often the political entrepreneurs pushing such initiatives as a new Occupational Safety and Health Administration or Departments of Energy or Education have an interest in structuring top jobs in such a way that they and outsiders sharing their policy view, rather than career personnel, will have access to all of the important positions. This underlying tendency is reinforced by the fact that the recent growth of government has taken the form of indirect government—subsidies, third-party delivery, financial incentives, contracts, and so on—rather than direct administration by the national bureaucracy itself; such methods have the effect of mobilizing an outside network of providers and policy participants who represent a kind of constituency for the in-and-outer system.

A third factor is a certain asymmetry that exists, making it easier to destabilize any pattern of senior career positions than it is to convert once-politicized jobs into strictly civil service positions. A true career system (as opposed to a mere structure of job classifications based on some personnel rulebook) is a kind of cultural construction. It depends on traditions of service associated with that career, on persons at the top of the career system who serve as mentors and models for transmitting its ways to the next generation. Political appointments do not depend on maintaining any such tenuous connection between past and future. Ad hoc reactions to the circumstances of the moment in filling any position can suffice. The asymmetry extends further. On the one hand, careerists who find themselves selected for high-level appointive positions (ranging in the last twenty years from a high of 14 percent of appointments under President Gerald Ford to a low 5 percent under Ronald Reagan) have little leverage to convert those positions and the expectations surrounding them into civil service offices. On the other hand, once a political appointee has been placed in the line of direct supervision over a heretofore wholly career system, it is much easier to manage the workflow, bring in personal assistants, and disregard successors in such a way as to undermine any first-rate career operation. In the first case the effects on the personnel system are never felt in the long run, while in the second case they are felt only in the long run, when there is no one around to blame.

And yet, this is not the end of the story. Even in the absence of deliberate efforts

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to insert political appointees into the bureaucracy, the dependence between the in-and-outer system and any aspirations for using career officials in high level executive positions is pretty much a one-way street. Given that there is a powerful outside constituency for it—a constituency that has become more extensive with the growth of government—the in-and-outer system scarcely depends on any positive cooperation from civil servants to sustain itself. Political interests and the outside policy constituencies will do that. By contrast, very high level civil service work is extraordinarily dependent on political appointees if it is to be nurtured and sustained. What occurs is a kind of self-fulfilling prophecy. When senior political appointees fail to include higher civil servants in substantive policy discussions, there is little reason for permanent career staff to acquire more than a narrowly technical, routine perspective. When careerists are denied access to an understanding of the political rationales for top-level decision making, they inevitably become divorced from the "big picture" and incapable of communicating it to subordinates. When they are denied the sense of having a fair hearing for their views among the top political decision makers, permanent officialdom retreats into disgruntlement, backbiting, and, in extreme cases, sabotage. And so it is that by not being consulted, senior careerists over time become less worth consulting and less worth appointing to the more responsible departmental positions. In short, without good faith efforts at the highest political levels, the upper reaches of the bureaucracy go to seed.

At this point, the dynamics of government that at once disappointed Progressive reformers and created the present in-and-outer system take an interesting turn. If there were nothing more to it than the asymmetry just described, the U.S. government would be very close to old-style patronage—government by hangers-on and friends of friends. That does occur, but it is far from the distinguishing characteristic of today's in-and-outer personnel, people who are essentially politically-connected technocrats. The politics creating the repository of jobs for in-and-outers is really a two-step dance. First, and for whatever reason, an interest develops in having some position filled by a person of a particular political or policy persuasion. A struggle develops. Congress then eventually reacts by laying down more formal requirements as to how such an overtly political executive position is to be filled. Thus, in the early 1970s, when the Nixon administration sought to inject more White House supporters into what traditionally had been career positions (such as the directorship of the Fish and Wildlife Service or the deputy director's job in the President's Office of Management and Budget), Congress reacted by laying down statutory requirements for many of these positions and making them subject to Senate confirmation. To take a more recent illustration, Secretary of Agriculture John R. Block in the Reagan administration brought in a Republican farmer and long-time friend to head the department's Soil Conservation Service. The new man was replacing a thirty-nine-year career veteran of the SCS who had worked his way up from a field job to be only the sixth chief of the bureau in its forty-seven-year history. While Secretary Block's man was moving into office, an angry Senator Roger Jepsen, another midwest Republican and chairman of

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a soil conservation subcommittee, was drafting legislation to ensure Senate confirmation power over future nominees who would be required to have technical backgrounds in soil conservation—another in-and-outer position in the making.[7]

So far, we have reviewed three reasons why the type of political executive that has evolved departs substantially from the designs of Progressive reformers. The fourth and final factor is probably the most fundamental because it is embedded in the constitutional structure of power. The impact of this structure on the question of political versus career appointments at the top of government may not be immediately obvious, but it is decisive.

The separation of legislative and executive institutions ensures that, except in rare instances of tightly disciplined party government bridging the branches, there is no central point for decision making. Responsibility is diffused. Lying behind the reformers' vision was a concept of political neutrality that depended on a different kind of democratic regime, a regime of government and opposition. A system of career officials reaching to the very apex of departmental organization could be generally accepted as being "neutral" between the political parties precisely because it was thoroughly unneutral as between the party in opposition and the government of the day. Being committed to serving the party in power to the fullest of one's professional competence, and then doing the same for any successor government, was an affirmation, not a contradiction, of political neutrality. Such lore—based in Britain, Europe, and Japan on the idea of an ongoing state or crown—requires a fairly clear demarcation between a government of unified powers possessing the full authority to govern in executive and legislative affairs, and an opposition left essentially to criticize and await its own turn at governing. Of course, in totalitarian regimes, where there is no notion of an opposition that can legitimately succeed the present government, such neutrality is an alien concept. The United States lies at the other end of the political spectrum. In America it is unified government rather than electoral succession that tends to be constitutionally illegitimate. However, the effect in undermining any presumptions of neutrality in senior executive levels is much the same. If senior officials are to be politically neutral as between the government and the opposition, who in Washington is the government and who the opposition? Progressive reformers were basically executive-oriented and usually ended up assuming that the president stood at the top of an executive hierarchy. But as a practical matter it was impossible to deny that Congress is also part of the government of the day, and in its several parts—parts that are not under the control of any presidential party—capable of exerting greater influence over departmental work than any president.

With the powers of national government constituted in such a way in America, senior executive officials are in an inherently ambiguous position. They cannot simply serve one government of the day but instead must accommodate a number of different power centers. They cannot live in an insulated departmental setting but must be in constant liaison with the legislature. They cannot hide under a doc-

[7] *Washington Post*, 7 April 1982.

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trine of neutrality between succeeding governments because microgovernments—the ruling coalitions around first one issue and then another—are constantly being formed and reformed simultaneously on many different fronts. These strictures apply not only to the head of a department and his or her personal assistants but to all persons in responsible executive positions. Whatever the reformers might have hoped for, is it plausible to think that permanent careers could be built on this kind of political tightrope strung between two jealous branches of government? It was far easier for civil servants as such to retreat into a different kind of neutrality, a neutrality claiming to offer technical services with little overt role in advising the department head on policy and political matters.

So it is that the U.S. government has evolved an in-and-outer system that is a kind of halfway house between the old patronage and the reformers' vision of expert government blending outsider political perspectives and insider professional perspectives at the top level of the executive branch. It is a regime that has emerged out of the grinding of two great forces: the demand for political preferment and the demand for technical competence in modern, activist government, in a relatively unique constitutional context. In-and-outers are expected to exhibit substantive competence without being part of the professional bureaucracy, to be political without being rabidly partisan. Like the presidency, the in-and-outer system is a peculiarly American contribution to the arts of government.

What to Make of It

There are no reliable studies that would permit any overall assessment of the in-and-outer system. Simply talking with present or former officials does not help much; the anecdotes may be interesting and the judgments thoughtful, but where is the real evidence? Several studies have recently sought to produce evidence on how and why some presidential appointees do better than others, and a few ambitious efforts are under way to design curricula in schools of public management that will teach people how to operate strategically in the public sector.[8] There is more to government, however, than simply knowing how to get one's way. Any balanced assessment requires knowing what are the longer-run effects on government performance of appointees who are apparently successful in achieving their objectives. What are the appropriate institutional understandings to shape action in a world where everyone is trying to have it his or her own way?

In principle, these things are knowable, but it requires a long, steady look at government organizations and the way they perform, as both machinery and cultures. One might compare performance among agencies with strong career traditions, agencies dominated by in-and-outers, and agencies in transition between

[8] See Laurence E. Lynn, Jr., "The Reagan Administration and the Renitent Bureaucracy" in Lester M. Salamon and Michael S. Lund, *The Reagan Presidency and the Governing of America* (Washington, D.C.: Urban Institute, 1985); William Kristol, "Can-Do Government: Three Reagan Appointees Who Made a Difference," *Policy Review* 31 (Winter 1985).

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the two. Even more ambitious would be a comparison between the handling of similar issues over time between comparable parts of the bureaucracy in nations without our in-and-outer system. Such efforts would be difficult and hardly conclusive, but any results would be infinitely more informative than what is available at present. Why are there no organizational biographies or evaluations that examine the behavior of different executive leaders? Such evaluations would be too politically hot for any government office to undertake, including the General Accounting Office. Nor could such finely textured studies be expected to advance the careers of academics, given the preoccupations with policy studies and management theory.

Even with the lack of hard evidence, it is worthwhile to at least try to reason about the situation. Such reasoning must be somewhat speculative but not unrealistic. There are two mistakes to avoid at the outset. One would be to assume that the political personnel system is so much raw material to be reshaped according to someone's bright idea for a better system. The arrangements for in-and-outers are a kind of organic growth reflecting felt needs in the unwritten constitution. To be sure, in the last twenty years this system has become more regulated in an attempt to prevent financial misconduct, and more self-conscious in recruitment efforts of the White House Personnel Office. But this is not to say that the system has been any more self-consciously designed in recent years. The same old dynamics apply, and this should make us all the more wary of meddling in a way insensitive to the organic nature of growth in such a de facto personnel system. There is a wisdom in the natural evolution at work here.

The second and offsetting mistake would be to assume that the present system is the only one that could exist. Would-be reformers should treat the in-and-outer system with sensitivity and respect for the historically caused nature of its growth, but the system should not be regarded as something untouchable or incapable of being improved by a more self-conscious design. What is, is not the only thing that could be, and the importance of these positions for the management of affairs affecting so many Americans' lives fully justifies very careful consideration.

Two extremes would probably be unacceptable to most people. An executive system composed entirely of permanent career officials below each department head might maximize continuity and organized expertise within the bureaucracy, but it would surely encounter serious problems in assuring political responsiveness and openness to new ideas. By contrast, if the executive structure were composed entirely of temporary political appointees, how would any coherent course of government action be sustained over time? Could the public be assured of impartial administration? With so many different political patrons standing behind all these appointees, could presidents or department heads expect real political responsiveness?

Rejecting these two extremes leaves an indeterminate middle range where any number of possible arrangements are conceivable. There is no obvious formula for achieving the right blend of responsiveness and continuity, new ideas and ex-

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perienced skepticism. Rather than staring endlessly into this conundrum, which can be used to support any preferred position, it makes sense to concentrate on the way the system creates incentives for people to perform in certain fashions. This way may not be an absolute law but it is certainly a serviceable rule of thumb in Washington: behavior varies in accord with the ways people are led to make calculations about their own personal prospects. The in-and-outer system is far from neutral with respect to how these calculations are likely to be shaped.

First, we should consider the positive side of the calculations that can be associated with the present system.

Vitality. In-and-outers have little reason to be inhibited by the past practices or conventional thinking that exists in the bureaucracies they head. They can expect that their performances will be evaluated in terms of the fresh ideas and better ways of doing things that they bring into government. In a world where bureaucratic routine can easily suffocate innovation, this vitality is a considerable advantage to the work of the executive branch.

Control. Temporary political executives owe their positions and whatever tenure they may have to political superiors. The in-and-outer system represents a kind of self-selection process that assures that only those who are sympathetic to the purposes of the administration in question are likely to end up in executive positions. Thus, allegiances tend to be automatically reinforced from the president on down through the executive echelons. A new government that knows how to make use of political appointments, as the Reagan administration did, can have a chance to truly shake up the bureaucracy and implement its mandate.

Political skills. In-and-outers work in a world where the rough and tumble of politics is inescapable. Whatever may be true in other countries, senior executives in Washington must be able to navigate among competing demands of the White House, Congress, interest groups, and their own bureaucracies. They can expect a significant amount of media attention, especially if things are not going well. The in-and-outer system, by explicitly calling for persons with political skills, fits the reality of these political pressures. People who have such skills are likely to be drawn to the work, while those who are more adept at nonpolitical management and policy work are not.

Disposability. Knowing that their tenures will be limited, political appointees can afford to work at a pace and with an assertiveness that long-term officials simply could not tolerate. Substantial sacrifices of time, family life, income, and indeed psychologicaal welfare can be made knowing that these stresses are a temporary interruption to a normal life. As one appointee interviewed for this study put it, "come in, burn out, move on."

Social Penetration. Modern government, particularly in the United States, is a complex phenomenon blurring any clear distinction between public and private sectors. What government can do is heavily dependent on the cooperation and understandings reached with nongovernmental organizations, and the life of those entities is often no less dependent on the operations of government. Temporary

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political executives, migrating back and forth across these amorphous boundaries, are in a unique, strategic position to understand these two worlds and their interconnections. In fact, it is virtually inevitable that they will carry into government outside perspectives that are unavailable to permanent officials and that they will return to nongovernmental organizations with new appreciations that are otherwise inaccessible to private groups.

These five categories are not exhaustive, but they suggest the major ways political appointees are encouraged to behave with consequences most people would probably regard as constructive for the national government. The negative side of the ledger is no less important.

Short-term Rationale. In-and-outers are under immense pressure to live for the moment. Knowing that there will be only a short time to accomplish whatever goals they may have, temporary executives have relatively little reason to worry about the longer-term effects of their actions on government. The kinds of effects that are likely to be heavily discounted include problems set in motion that an unknown successor will have to deal with, loss of organizational capabilities in areas irrelevant to the appointee's own goals, the sacrifice of long-term working relations and procedural norms for immediate policy objectives, and difficulties of implementation and monitoring to correct the appointee's own policies.

Discontinuity. Because political appointees' personal careers are not tied to the fate of the administration in power or the bureaucratic machinery, their comings and goings in the executive branch are more likely to be based on calculations of personal benefit rather than the needs of government. The point is not to decry the absence of altruism; it is to recognize that the in-and-outer system does not reliably attach calculations of self-interest to the purposes of the government. The well-known short tenure of political executives (two years or less) simply reflects the ability of personal circumstance to dominate other considerations, such as the need to follow through on any given initiative to make it part of institutionalized routine, or the need to make the completion of some aspect of the administration's agenda a matter of primary loyalty. Stresses on the appointee's family, finances, and personal workload cannot usually be outweighed by such considerations because these larger claims are unlikely to have much effect on any political appointee's personal prospects in the years ahead. The ramifications are clear. Appointees on the job two years have enough time to make mistakes but often not enough time to put the resulting lessons to use. The energies of the organizations are spent in continually switching from the "must" items on the agenda of first one appointee and then another. And as in-and-outers make personal calculations about their real careers, the collective effect can be cycles within cycles of discontinuity. A perceptive assistant secretary in the Energy Department explained the dynamics:

> The most you could ever expect probably is four years [for appointees in a given position]. Three years' time is not bad in a post. Now you have a real problem, however, when that individual leaves in that third year, because you have a presidential election

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> coming along . . . the question is, is he disloyal to his president who has appointed him or his secretary by leaving that third year and thereby leaving them in the lurch trying to find somebody to fill in behind him? . . . You can fill in the slots, because there will always be folks who will be happy to jump, but they are probably not the ones that you want to take it. Which explains why, during that third year, you have people who are very junior and probably not very skilled—who are in the White House staff or special assistants or special advisers to a secretary—who end up in appointee jobs. . . . They are a known quantity, loyal, and they are eager to take the job, even if it is for six months. That is when you pop them in. That third year is probably where you get the greatest quality decrease. . . . The other part of it is, if you stay that fourth year as an appointee, you are going into the presidential election. If your president loses, you have got a flood of people on the market suddenly, competing for a relatively small number of high-level positions that may be available. So it is a personal decision of your own interests against the loyalty which you would have to feel to the president and the secretary who appointed you.

Creeping Appointeeism. The in-and-outer system feeds on itself in the sense of encouraging the reproduction of pint-sized political executives throughout government. Each temporary executive, from the president on down, can plausibly claim the right to appoint subordinates with whom he or she feels personally comfortable. In the absence of any generally accepted, offsetting principle, there is no self-evident stopping point in this process; the collective effect over time is a chain reaction of temporary political appointments extending down into the executive machinery. Thus, a number of people interviewed for this project indicated how the Carter and Reagan administrations, in pursuing their different policy agendas, operated to produce the same political-administrative effect. As one assistant secretary of defense put it, Carter "went down to assistant secretaries, deputy assistant secretaries, and then one level below there in some cases, and gave the federal bureaucracy a lobotomy that it never recovered from, because the people who could educate the assistant secretaries were gone too." These lower-level political appointments are likely to be most attractive not to major figures in any given field, but to persons who are mainly interested in using such positions as steppingstones to other things—résumé building for the private sector or higher-level political appointments. The condition of organizations and programs under the purview of such young climbers is frequently secondary.

Once again, the consequences can be quite varied. Creeping appointeeism means that incentives for first-rate civil service work diminish. The positions, such as division heads or deputy assistant secretaryships, which are the highest level to which outstanding civil servants could aspire, become less accessible. Any hard-working careerist's effort and contribution becomes less noticed as his or her work clears its way upward through layers of political appointees before reaching senior political figures. Bureaucratic routines may actually become more entrenched as those bureaucrats who care most about security lie low amid the passing parade of appointees, and those who are ambitious wait for their tickets to ride out of obscurity in alliance with some suitable passing appointee.

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Creeping appointeeism also means that a growing number of transient people in government have reason to justify their activities by claiming a political mandate—a mandate that may bear only an attentuated, or even mythical, connection to the electoral judgment that produced any given presidency.[9] Then, too, by becoming overextended, the coin of political executive leadership easily becomes devalued in others' eyes. In the words of a Reagan appointee as solicitor to the Labor Department, "Washington is filled with people who used to be something, so that we're not really anybody anymore." And, in turn, the proliferation of appointments, by diffusing authoritative political leadership, can easily increase rather than relieve the strains on higher officials. A Carter appointee in charge of economic development activities at the Commerce Department described the trend in military terms:

> We made our congressional liaison guy an assistant secretary. Now there he is with a staff of four or five people, a staff function, and he just wanted to be an assistant secretary. . . . We have a tourism division that was made into an assistant secretaryship, Office of Tourism. It had a staff of twelve . . . when I was leaving they wanted to make it an undersecretaryship . . . it is debasing the currency in terms of that individual being able to speak for the administration and speak for the secretary. And therefore the lightning rod moved away from the second lieutenant. We move up to battalion, and we move up to command headquarters. And they wonder why they are up to their asses in lightning!

Biased Recruitment. It would be nice to think that the in-and-outer system provides a well-rounded supply of "citizen executives" to help govern in Washington. However, it is only certain kinds of people who are likely to find that these jobs represent realistic job options. The point goes deeper than the self-evident observation that political appointees are far from a social or demographic cross-section of the population. Accepting a political appointment imposes costs and offers benefits, and the ability to accept this cost/benefit calculus is far from randomly distributed, even within the pool of white, male professionals from which most appointees are drawn.

A useful way of approaching the issue is to think about the people who are likely to exclude themselves from the political appointments process. (Certain classes of people—namely people without strong political or professional connections or people who do not happen to know the right people—will be excluded by the selectors of political appointees; to say this is obvious is not to say it is satisfactory if one's ideal is a socially broad-based catchment area.) If one were to draw a profile of those who will find the in-and-outer equation unacceptable, it might run roughly as follows. The financial and family sacrifices are likely to be too great for someone in his or her prime earning years, with costs of children's schooling to meet, without a preexisting foothold in the high-priced Washington housing

[9] A useful correction to the assumptions about a Reagan mandate for implementation in the executive branch is contained in Vicente Navarro, "The 1984 Election and the New Deal," *Social Policy* (Spring 1985).

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market. As regards career prospects, the nonstarter as a potential political executive is on a line of career advancement that is more or less unaffected by goings-on in Washington. In a sense, the more disinterested the potential appointee, the less the appeal of joining the in-and-outer fraternity. If in private industry, one's employer is probably doing no business with the government, so service in Washington counts for little in career prospects. If one is an independent-minded academic or policy analyst, toeing the right line for any particular administration may not be too appealing.

Who, then, will emerge as prime candidates for temporary political assignments? Essentially those who are the opposite of those noncandidates just described: those already located in the Washington area; those young enough to accept the financial and family sacrifices as an investment in future advancement, or those much older who are financially secure and whose children are gone from home; those in major corporations doing business with government (rather than small business entrepreneurs) or those in professions where government appointments provide a marketable expertise; those coming out of policy think tanks or academic schools of thought where advancing the right cause through a stint in Washington helps build credentials as an "action-intellectual." It is certainly not cynical to suggest that political appointees, like the rest of us, give some thought for the morrow when it comes to potential employers. Jobs that may involve giving offense to large numbers of potential employers – in the private sector, academia, think tank community, or wherever – are likely to attract those with a large measure of restrained zealousness. In short, the in-and-outer system is not an unimpeded, disinterestedly organized two-way street.

It is these characteristics that explain many of the specific comments appearing in the interviews for this study. Some of the more telling examples read as follows. First, a general counsel to the Commerce Department from the Carter administration:

> I did not make any economic sacrifice when I moved into government because I was so young. Somebody fifteen years older than I should have had that job. On the average, presidential appointees in the Carter administration were probably fifteen years too young. And the reason was, you could get thirty-three-year olds to take jobs that forty-eight-year olds couldn't afford to take.[10]

Next, a Reagan appointee with previous presidential assignments in the Johnson and Nixon administrations:

[10] The term *technocrat* (another American invention) seems a fairly accurate way of labeling the in-and-outers, along with the modifier *political*, which should not be taken to imply strong partisanship. If Americans are to have a political technocracy in the future, they can at least hope it aspires to William Smyth's original definition of the term: "a system and philosophy of government in which the nation's resources are organized and managed by technically competent persons for the good of everyone instead of being left to the management of private interests for their own advantage." William Henry Smyth, *Technocracy: First, Second, and Third Series; Social Universals*, reprinted from the *Gazette*, Berkeley, California, 1921.

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> Very often appointees come in to get the distinction and to get some background, and then go out to make some money. That is the problem. There are in [my field] probably six hundred members of the bar. All but perhaps two or three got their internships as employees of the [X agency], because in law school they don't really teach that law, it changes so quickly you just couldn't keep up with it. Like this firm—everyone worked over there at one time—we have almost a duplicate of the [X agency], different experts in different fields. And the clients come here and they pay a lot.

An assistant secretary of defense in the Nixon-Ford years cited the problem of someone engaged in critical evaluations of Pentagon programs and their advocates in private industry:

> It was always the most despised job in the Pentagon. . . . I had been in the defense industry for the prior fourteen years, so you can look at it as a revolving door if you want. I was brought in because I had some modest reputation as an aircraft designer and nobody in the Pentagon in research and engineering had that background . . . but . . . I also didn't realize the extent to which my future earning powers would be denied by serving in the position as head of PANE (Program Analysis and Evaluation), because that happens to be everybody's whipping boy. So you don't move from there back through the same door into which you came. Those who left from Defense [Department] research and engineering are accepted by the industry community and can generally move up. I had no desire to go back to the defense industry, but I don't think I could have anyway, having done that job.

An assistant secretary of commerce in charge of telecommunications policy was blunt about what he witnessed in another part of the government-business relationship:

> There are a lot of high-quality people out there. The industry screens them out for the most part. Industry does not want a person of high quality to work in the FCC [Federal Communications Commission]. . . . You take [Commissioner X], he was a lawyer working for broadcasters, when he leaves, he'll work for the industry. He's not going to stick his finger in that industry's eye . . . the people who did that, truly regulated without thought to: 'Where will I go'. . . . I'll give you an example. There's a guy named [Y], a terrific commissioner. . . . He'd have liked to have been reappointed but he wasn't. When he left he didn't have a single commercial broadcast client. . . . [Why not?] Because they hated him. He really regulated in the public interest. They respected him, but they also didn't want him. He regulated. He believed in the public interest. I'm not talking about a demogogic (anti-industry) type. He was just doing his job, a very able guy. Wasn't reappointed, didn't get broadcast clients. . . . If you act like him . . . remember you're only going to stay there two, three years maybe. You've got your eye on the main chance. How are you going to really, you know, go out there and swing into broadcasters and the cable industry and the telephone industry and then say, "Here I am. Hire me." Why should they? So that you're much more apt to be cozy with them.

What should one make of such a balance sheet? Clearly if the in-and-outer system structures incentives in such valuable but also dubious ways, there is little point in trying to come to some global verdict for or against the system. Instead, the aim should be to retain the positive aspects while countering the negative incen-

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tives. Assuming that the analysis up to this point seems reasonable, the following guidelines could help nudge the evolving design for political personnel in a more constructive direction.

First, one wants to retain the vitality in government produced by injecting outsiders into the bureaucracy, but if short-term reasoning is not to predominate, then there should be reliable, routinely accepted ways for pitting those fresh ideas against longer-term perspectives, without prejudice or recriminations on either side.

Second, political executives are a valuable source of legitimate political control in the bureaucracy. For that control to be real, however, and not a passing parade of people with mythical mandates, politically appointed positions have to be major centers of responsibility and cannot simply be allowed to proliferate haphazardly.

Third, political executive positions are invaluable places for taking the heat in a highly charged political atmosphere and for pushing for change, often to the point of burnout. But these personal dramas should not be occasions for constantly disrupting no less valuable elements of continuity in government that need to go on across a succession of political burnouts.

Fourth, the cross-fertilization between government and non-government sectors is fully appropriate to the nature of modern government as it penetrates so many areas of social life. And yet if this virtue of democratic openness it not to be simply a cover for special pleading, a very conscious effort has to be made to ensure that the pool of citizen executives is not a mere reflection of preferences held by those who happen to be mobilized to affect the government's work.

Putting together these design criteria, there emerges a composite picture of constructive ways to nudge the in-and-outer system. The present personnel system of political management is itself insufficiently managed. Something more deliberate is needed to counteract creeping appointeeism, to try to unbias recruitment, to discourage the haphazard discontinuities and more firmly attach appointees' self-interests to the purposes of government. Something more reliable is needed to shape career calculations in the middle ground between the inevitable short-term reasoning associated with pure political appointments—tenants at will, so to speak—and the routines of permanent officialdom. It is that middle-range tenure that holds out the hope for a measure of continuity without decaying into stagnation.

The form such arrangements should take needs to be carefully considered. In one version, the White House Personnel Office becomes transformed. At its best, that office has been an effective recruitment agency for political executives. In the new version it would do that, but more importantly, a new Office of Executive Appointments would be the only executive branch center for overseeing the operation of the political appointments system, as a system and through the president accountable to Congress. What might such an office do? It would:

—be headed by a senior presidential appointee subject to Senate confirmation, the only means of establishing long-term credibility in the position;

—clear (being "in accord with the president's program") the statutory creation or renewal of all positions filled by presidential appointment;

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—offer advice to department heads on the appropriate scope of all non-presidential political appointments, reporting to both houses of Congress on the qualifications of all persons occupying such positions;

—maintain for disclosure to authorized agents of Congress the full record of endorsements and recommendations made by people or groups pertaining to executive political appointments (including congressional communications);

—not only recruit but periodically evaluate the performances of presidentially appointed executives on a confidential basis to the president (i.e., subject to claims of executive privilege).

This much-enhanced White House Personnel Office could probably not survive without an accompanying clarification of the overall framework for political appointments. To give some more focus and starch to what is actually a very haphazard nonsystem in the middle range between senior political appointees and permanent bureaucrats, something like the following might be envisioned:

—the existing structure of deputy secretaries, undersecretaries, and assistant secretaries remains in place, pending any rationalizing impulses of the newly enhanced White House Office of Executive Appointments;

—subject to the rules of disclosure indicated above, appointees in these positions would be allowed a quota of personal assistants, as recommended by the White House office and authorized by Congress, such assistants to be specifically denied the exercise of any statutory authority;

—positions directly subordinate to the three or four hundred major political appointments (i.e., positions such as deputy assistant secretaryships, division heads, bureau chiefs, executive directors, and so on) would be filled on a longer-term, but contingent contractual basis. Such contracts might be offered in the first instance for three years with a renewable six-year term (to avoid vagaries of the congressional and presidential electoral cycle). These contracts could be authorized by the White House Office of Executive Appointments, subject to the full reporting requirements to Congress mentioned earlier. The more that executive, congressional, and business patrons have to disclose about their endorsements, the greater the chances that merit will be the touchstone and that personal or special interest preferment will prove embarrassing. Thus, even lacking patrons, an aspiring civil servant with a good record might have a real chance at more responsible positions. Contracts renewed on more or less public evaluations or performance could be expected to attract the best—the risk-takers rather than the security-conscious—while not asking them to take part in a foolhardy crapshoot with the political moods of the moment.

Would any of this make much difference to the actual performance of government? There are no guarantees, only probabilities connected with the incentives for affecting particular types of behavior. There will always be some people who rise to the occasion and do more than could reasonably be expected. There will be others who consistently fall below the demands of the times. What really matters in the design of governmental arrangements are the central tendencies that are

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nurtured or discouraged. The message here is that the in-and-outer system, left to its own devices and put on automatic pilot, is a system likely to evolve in directions that confound the functioning of American national government.

Conclusion

The in-and-outer system is probably here to stay. All the reasons why Progressive reformers failed to substitute their vision of a better system continue to suggest that Washington will never see some Americanized version of a European administrative elite with a thin veneer of political appointees. At the same time, while Americans have half-knowingly stumbled into the present in-and-outer system, it is unlikely that they will simply allow it to grow untended. In the past fifteen years White House recruitment efforts have become much more systematic; the first real efforts to regulate the propriety of appointees' financial dealings have been made. It is not part of our political tradition to trust that the good intentions of people in government will prevail in the absence of appropriate institutional arrangements.

The in-and-outer system, with its mixed emphasis on technical competence and political responsiveness, seems well fitted to the American political context. The growing ranks of graduate programs in public policy and management, of think tanks and Washington-headquartered interest groups and law firms are providing a constituency and source of supply for this regime of political technocrats. However, Americans can expect serious problems in government if this system is allowed to continue just growing. It is worth recalling that the coming generation—tomorrow's in-and-outers—has known only a negative image of government in Washington. The events of Vietnam, the overpromising in Great Society programs, and Watergate played their part in creating this aura of failure. So, too, have the public education campaigns carried out by two successive presidents, Carter and Reagan, to the effect that the federal bureaucracy is an unworthy and destructive force in the life of the nation. The new generation of political technocrats will have many negative examples and guidelines. What they are less likely to have is a usable lore for treating public service as a constructure enterprise. Something as loosely organized as the in-and-outer system is heavily dependent on people knowing what is expected of them, on people sensing the institutional subtext that should shape personal calculations and appropriate behavior. We can be sure that a governing community in which "anything goes" among the participants will be one in which nothing goes particularly well.

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The Unlearned Lessons of Counterinsurgency

D. MICHAEL SHAFER

In 1977 retired CIA counterinsurgency expert Douglas Blaufarb observed optimistically that "the term 'counterinsurgency' conveys today . . . impressions mostly having to do with Cold War attitudes, now considered outdated, and U.S. intervention, now considered misguided, to prevent revolutions in distant lands."[1] Ten years later, counterinsurgency is back in vogue. Yet despite the vast literature of the 1960s, criticism born of the Vietnam war and renewed study of it, American thinking on counterinsurgency remains analytically confused. It leads policy makers to misunderstand the sources of insurgency, to underestimate the constraints on Third World leaders' willingness and capacity to make the reforms required to defeat it, and to overestimate the United States's role as a partner in their efforts. In fact, counterinsurgency doctrine obscures rather than illuminates critical distinctions among insurgency-threatened governments and the prospects for aid to them. As a result, past counterinsurgency operations were undertaken blind, while today the United States still lacks an ability to read the auguries for victory accurately. Thus the risk remains that policy makers will commit American lives, resources, and prestige to causes that better analysis might reveal to be chimerical.

At fault is the misdirection of the discussion about counterinsurgency over the last twenty years. Thinking about counterinsurgency has focused on its international and domestic contexts to the exclusion of its analytic worth. Thus there

[1] Douglas Blaufarb, *The Counterinsurgency Era: U.S. Doctrine and Performance* (New York: Free Press, 1977), 1.

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has long been a lively debate as to whether the national security of the United States requires involvement in counterinsurgency under certain—or any—circumstances. Similarly, considerable attention has been devoted to the problems of civil-military relations raised by counterinsurgency, the domestic politics of sustaining support for "small wars," and the bureaucratic politics of managing the complex, multiagency effort that fighting them requires. In other words, what past and present debates on counterinsurgency treat (and often very well) are the questions of whether or not the United States ought to engage in counterinsurgency and, if so, how it ought to be organized. It is simply assumed, however, that if counterinsurgency is judged necessary, we know what to do and that if correctly managed our programs will succeed. This is a dangerous assumption, for when attention shifts to the actual content of counterinsurgency policy, fatal flaws appear.

This article focuses on these analytical weaknesses and their implications. It examines policy makers' understanding of insurgency, their prescriptions for meeting it, and the problems with both. In particular, it explores how past and present counterinsurgency doctrines divert attention from the three issues critical to the United States as an outside provider of counterinsurgency assistance: the possibility of leverage with a would-be ally; the prospects for governmental reform by such allies; and the nature of government-population relations in allied countries. The first part sketches counterinsurgency doctrine's explanation of insurgency, and the second details the major prescriptions for combating counterinsurgency and their various failings. The third part then outlines current counterinsurgency thinking, highlights the continued importance of unlearned lessons, and hints why, despite the need for a new, more sophisticated understanding of insurgency and counterinsurgency, the United States is unlikely to move beyond today's flawed conceptions.

The Explanations: Universal Vulnerability

For Kennedy era policy makers the presumably universal, traumatic modernization process caused concern that the threat of insurgency was also universal. As General Maxwell Taylor warned, the "symptoms of subversive insurgency . . . are found in virtually every emerging country in the world."[2] He and others promptly declared, however, that while insurgency may be universally potential, active insurgency requires an external source. Thus, for example, the International Police Academy training manual on insurgency notes that "the seeds of potential unrest are sown whenever an undeveloped society comes into contact with a more highly developed country. The strategy of subversive aggression is based on transforming passive unrest into active insurgency." Furthermore, "insidious elements" are attempting to do so "in almost all developing nations throughout the world."[3] The

[2] Cited in P. Kecskemeti, *Insurgency as a Strategic Problem* (Santa Monica, Calif.: RAND Corp., February 1967), 13.

[3] Agency for International Development (AID), Office of Public Safety (OPS), *The Police and Internal Security* (Washington, D.C.: International Police Academy, 1966), I-4, I-1.

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trauma of modernization may constitute the enabling condition for insurgency, but the causative factor is Communist interference.

This conclusion had several consequences, the first of which was to reduce the local situation to analytic insignificance. Doctrine might declare that "a total program" for counterinsurgency requires accurate information concerning the country in question.[4] But if the preconditions for insurgency are universal, inevitable, and by themselves innocuous, then analysis should focus on Communist tactics, not the specific characteristics of threatened governments or their relations with the population and insurgents.

This analytic sleight of hand appears first in the definition of insurgency used in doctrinal statements, policy papers, and official training materials. These assume insurgent illegitimacy, since the government is defined as legitimate. Thus, insurgency is "an internal struggle . . . in which a minority group attempts to wrest control from the duly constituted government. . . . The objective, as always, is the alienation of the people from the government."[5] Moreover, despite the presumed necessity of governmental reform to undercut insurgent appeals, analysts minimize such efforts' importance by proclaiming that all governments have their faults.[6] But in assuming "duly constituted" governments, analysts assume away the very issues at the heart of the matter, questions concerning the nature, authority, strength, and legitimacy of the threatened government.

Conversely, analysts dismiss insurgencies as the products of propaganda and coercion mounted by malcontents. Lt. Col. John McCuen argues that the "secret behind revolutionary successes in winning the people is to tell them what they want to hear, irrespective of whether or not this happens to vary from long-term rebel objectives."[7] Others such as Douglas Pike, then a senior government consultant on insurgency, contend that insurgent success depends on the ability to "coerce a passive and generally apolitical peasantry."[8] As for the insurgents themselves, they are the losers in the modernization process, the temporarily discontented, the duped and bamboozled, or simply criminals wanting a "cover" for their antisocial activities.[9] They are not credible challengers to incumbent modern elites.

Finally, the tendency to discount local conditions shows in analysts' proclivity to explain the causes of insurgency by their anticipated results. In theory, declared the United States Overseas Internal Defense Policy (USOIDP), "The U.S. does

[4] National Security Council (NSC), "U.S. Overseas Internal Defense Policy" (USOIDP), prepared by an Interdepartmental Committee consisting of State, Defense, Joint Chiefs of Staff (JCS), CIA, and AID, transmitted 24 August 1962, 13.

[5] AID, OPS, *The Police*, I-6, I-15. See too the "Counterinsurgency Lexicon," JCS, Office of the Special Assistant for Counterinsurgency and Special Activities, "Counterinsurgency Bluebook for 1966 (U)," MJCS-331-66, 15 November 1966, 9.

[6] See, for example, AID, OPS, *The Police*, I-4-5.

[7] John McCuen, *The Art of Counter-Revolutionary War: The Strategy of Counterinsurgency* (Harrisburg, Pa.: Stackpole Books, 1966), 55.

[8] Douglas Pike, *The Viet Cong Strategy of Terror* (Cambridge, Mass.: MIT Press, 1970), 3.

[9] See, for example, Sir Robert Thompson, *Defeating Communist Insurgency: Experiences from Malaya and Vietnam* (London: Chatto and Windus, 1966), 35-6.

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not wish to assume a stance against revolution, *per se*, . . . Each case of latent, incipient, or active, non-communist insurgency must therefore be examined on its merits in the light of U.S. interests."[10] But having said as much, analysts return to the prospects for Communist meddling offered by Third World instability. A 1972 RAND study declares, for example: "A revolutionary conflict becomes unambiguously injurious to U.S. interests . . . if it lends itself to being exploited by Soviet or Chinese military power."[11] That the Communists would become involved is a foregone conclusion, however. Thus, doctrine suggests in effect that the United States has a security interest in supporting all insurgency threatened governments, regardless of local circumstances.

Universal Tactic. Given this reduction of insurgency to a Communist tactic, it is not surprising that policy makers' efforts to understand revolution focused almost exclusively on the writings of the modern master theoreticians of revolution — Mao Tse-tung, General Vo Nguyen Giap, Ernesto (Che) Guevara, Regis Debray. Still, one must ask just how useful a picture of Third World revolution they offer. It is an embarrassing question, for on examination there is less here than meets the eye. Indeed, the revolutionary masters' works suffer from weaknesses similar to those that dog their American counterparts.

Americans' reading of the revolutionary masters was self-frightening and narcissistic. Analysts took them at their word. When General Giap said of Vietnam, "If we win here, we win everywhere," policy makers believed him. When Mao declared that his was a scientific, universally applicable revolutionary weapon, Americans took heed. As Stanley Hoffmann observed, Americans interpreted "Marshall Lin Piao's celebrated manifesto, *Long Live the Victory of the People's War*, as a new *Mein Kampf* rather than as a devious way of telling future liberation movements to rely primarily on themselves."[12] Conversely, the readiness with which Americans accepted the revolutionary masters' claims reflects the fact that mirrored in their writings was our own intellectual image.

Here, in the supposed clash of East and West, revolution and evolution, is the reunion of two off-shoots of the same tradition of social analysis. Both revolutionaries and counterrevolutionaries assume that the Third World's shared experience with colonialism had everywhere produced a potentially revolutionary situation. Thus, Americans fret over the consequences of modernization and in particular the possibility of Communists capturing uprooted peoples in the hiatus between tradition and a higher state of modernity. The revolutionary masters also focus on the inevitable, universal course of progress. But in the deracination process they see the formation of classes and so the fundamental dynamic of development. Each, however, assumes the malleability of the masses, and so despite refer-

[10] NSC, USOIDP, 12.

[11] H. Heymann, Jr. and W.W. Whitson, *Can and Should the United States Preserve a Military Capacity for Revolutionary Conflict?* (Santa Monica, Calif.: RAND Corp., January 1972), v.

[12] Stanley Hoffmann, *Gulliver's Troubles, Or the Setting of American Foreign Policy* (New York: McGraw-Hill, 1968), 189.

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ence to an overarching process of change, focuses on tactical measures for "helping history." Both, in other words, identify their role as manager of modernization.

Like their American counterparts, the revolutionary masters assume a simple polarization between center and an undifferentiated, but universally frustrated populace awaiting liberation. They too push local conditions into the background and make no serious attempt to analyze the complexity of politics at the periphery. They assume the pre-existence of the preconditions for revolution: a large, malleable body of peasants, coolies, and other marginals fed up with their miserable condition and awaiting a catalyst. Indeed, inverting standard western claims, they argue that creation of the preconditions for revolution, not development, is the inevitable result of European colonialism. And because this revolutionary situation is assumed, the masters of revolution limit themselves to the tactics of insurrection.[13]

Revolutionary doctrine, in short, provided a poor source for understanding insurgency. Like the greater intellectual tradition to which it belongs, it tends to two extremes. On the one hand, revolutionary theorists built their analysis on the presumed unfolding of a universal pattern driven by abstract, unspecified forces. On the other, their focus remains the revolutionary elite whose vanguard role is that of midwife to the inevitable. As a result, their writings obscure critical intervening variables, suggest a false universality, and shift attention to the activities of self-proclaimed revolutionaries. Counterrevolutionary doctrine replicates these weaknesses and has had as problematic a course as its revolutionary counterpart. Neither has delivered half of what it promises, and where successes have occurred they have had little to do with doctrine.

Counterinsurgency: The Universal Countertactic. If insurgency was but a tactic, a countertactic was needed. As Walt Rostow told the Green Berets, "we are up against a form of warfare which is powerful and effective only when we do not put our minds clearly to work on how to deal with it."[14] Thus, "The most logical solution," argued Lt. Col. McCuen, lies "in developing a counter-revolutionary strategy which applies revolutionary strategy and principles IN REVERSE to defeat the enemy with his own weapons on his own battlefield."[15] By such means, the Joint Chiefs declared, "the American military can . . . defeat Communist subversive aggression *whenever* and *wherever* it arises."[16]

Analysts and policy makers reinforced this conclusion with lessons drawn from

[13] For an analysis of Mao Tse-tung and Ernesto "Che" Guevara, see D. Michael Shafer, *Deadly Paradigms: The Failure of U.S. Counterinsurgency Policy* (Princeton, N.J.: Princeton, University Press, 1988).

[14] Walt Rostow, "Guerrilla Warfare in the Underdeveloped Areas," *Department of State Bulletin*, 7 August 1961, 237.

[15] McCuen, *The Art*, 78. For an excellent operational statement of this, see Headquarters, 5th Special Forces Group (Airborne), "Letter of Instruction Number 1 (First Revision): The Special Forces Counterinsurgency Program," 1 January 1965, Annex 5, Civil Affairs and Psychological Operations, 10.

[16] W.R. Peers, "Counterinsurgency Bluebook, Fiscal Year 1966(U): Memorandum of Promulgation," MJCS 331-66, 15 November 1966, 1.

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the supposed counterinsurgency success stories: Greece, Malaya, and the Philippines. Training manuals and government documents were rife with references to them, RAND and other organizations studied them, and articles about them littered *Naval Institute Proceedings, Air University Review, Military Review*, and *Marine Corps Gazette*. The lessons learned were tactical and programmatic, however, emphasizing what was done, not in what circumstances. The conclusion was that "the key existed if it could be found and turned."[17] This key, applicable whenever and wherever needed, was counterinsurgency.

The Prescriptions

In light of this understanding of insurgency, policy makers developed not one unified concept of counterinsurgency, but two basic package prescriptions: hearts and minds, and cost-benefit. These share fundamental assumptions, despite an acrimonious debate among their proponents. In fact, they are distinguished from one another only by the relative priority given their primary components. Hearts and minds stresses development over security; cost-benefit gives priority to security. In each case, however, similar misassessments of Third World governments, their subjects, the sources of insurgency, and an outsider's ability to intervene result in misprescription.

Hearts and Minds. Hearts and minds analysts attribute insurgency to the trauma of modernization, the revolution of rising expectations, and Communist meddling. Thus their prescriptions call for the rapid incorporation of the vulnerable inhabitants of the periphery into the center. The aim is to transform the passive parochial into at least a subject, if not true citizen, of a modern state. The means are measures to improve the state's capacity to affect the hearts and minds of its citizens. Once involved in the modern state and served by it, so the argument goes, the individual will be invulnerable to insurgent blandishments.

Under the rubric of winning hearts and minds fall a variety of prescriptions. All, however, address the problems of improving threatened states' performance in three key areas: physical control of territory and populace; penetration of authority throughout the country; and promotion of economic and social development. Put differently, the hearts and minds prescriptions amount to three great *oughts*. Governments ought to secure the population from insurgent coercion. They ought to provide competent, legal, responsive administration that is free from past abuses and broader in domain, scope and vigor. And they ought to meet rising expectations with higher living standards.

Security. For hearts and minds analysts, the first problem is protection of the populace from insurgent predators. Without a modicum of order, they argue, nothing is possible. Besides, a government unable to defend its people cannot command their allegiance, while one that does will win their gratitude and support. Thus threatened governments must receive assistance to strengthen their armed

[17] William Bundy, Foreword to Blaufarb, *Counterinsurgency Era*, x.

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forces. Analysts also recommend the relocation of people to defended villages. Indeed, many argue that population control can promote all three of the great oughts. By building "strategic hamlets," governments can achieve the essential first step to victory, the separation of the guerrilla from the population. Furthermore, bringing the populace under government control simplifies counterorganizing them to support the government. Such efforts, it is argued, help break down traditional parochialisms and lay the groundwork for a national community coterminous with the state. Finally, resettlement makes it easier to deliver development assistance to overcome peasant poverty and meet rising expectations.[18]

Good Government. Improved security, however, is but the prerequisite for the development programs necessary to drench insurgent fires forever. Thus hearts and minds analysts suggest that insurgency-threatened countries ought to attack the two basic political problems behind insurgency: bad administration and underadministration. If past bad administration underlies popular support for insurgency, then reforms are essential. Insurgency-threatened governments should become what all modern governments ought to be anyway: law-abiding, administratively strong, and responsive. They also ought to address distributional, racial, and communal problems and remove corrupt or abusive officials. Besides measures to improve the quality of government, increases in the quantity of government are needed to fill "the gaping void of underadministration,"[19] which leaves the field open to insurgent organizers and governments unable to cope with the revolution of rising expectations. Thus a strong administration must be established and officials trained to staff it. The aim, in short, is to deny insurgents room for maneuver, provide desired services more effectively, overcome the isolation of parochial communities, and speed penetration of national authority and values into them.

Progress. While security and good government are critical, counterinsurgents believe the surest way to the hearts and minds of peasants is through the stomach. Thus, the final great "ought" is the simplest: governments ought to provide the benefits only promised by the insurgents. The logic is simple. First, if unrest is caused by bad living conditions or rising expectations of better ones, government benefits will be oil upon the waters. Second, if the government is viewed as distant and disinterested, analysts argue, such aid will help persuade the masses to abandon the insurgents and rally to the government. Third, along with the development of modern political structures, economic development ought to eliminate the very threat of insurgency by making the material benefits of modernity available to all.[20]

The Unity Principle. Finally, to top off the three great oughts, analysts insist on the necessity of managing all three simultaneously. "The government cannot attack the guerrillas . . . unless [the people] feel some measure of sympathy . . .

[18] See, for example, McCuen, *The Art*; Thompson, *Defeating Communist Insurgency*; David Galula, *Counterinsurgency Warfare: Theory and Practice* (New York: Praeger, 1964); and T.N. Greene, ed., *The Guerrilla: And How to Fight Him* (New York: Praeger, 1962).

[19] McCuen, *The Art*, 96.

[20] For a detailed study of the progress ought, see Robert Packenham, *Liberal America and the Third World* (Princeton, N.J.: Princeton University Press, 1973).

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toward [it]. This attitude must be brought about through the economic, political and social actions that make the people's lives better. . . . And the government cannot take any steps unless the people, . . . the police stations, and all the rest can be protected."[21] What is required is a coordinated effort by military, political, and administrative leaders to insure balanced action on all fronts and at all levels. In fact, "perhaps the overriding principle should be the *unity principle*."[22]

The Flaws. At first glance it seems a potent prescription; on closer examination it is transparently flawed. Critical managerial problems add to the difficulties, of course, but the deep reasons are analytic. Hearts and minds analysts' assumptions cloud assessment of the three issue areas critical to an outside power contemplating supporting an insurgency-threatened government: the constraints on leverage; intragovernmental limits on reform by the would-be ally; and the nature of relations between government and populace or, conversely, between insurgents and populace. The weaknesses derive from policy makers' basic assumptions about Third World politics and political change. The resulting misanalysis opens each of the three great oughts to criticism and vitiates many of their key components. Indeed, the prescriptions offered may be irrelevant, impossible, or worse.

Leverage. For the United States, the issue at the level of government-to-government relations is leverage. Specifically, the question is how to insure that an ally does what American policy makers deem necessary to eliminate insurgency. This would appear to present no difficulties. The United States and the threatened government are both presumably interested in ending the insurgency and hence in doing what is necessary. And should leverage be required, the U.S. seems to have it all. (As the USOIDP put it, governments facing extinction "have no practical alternative to accepting U.S. recommendations, particularly if specific reforms become prerequisites to the continuance of U.S. aid.")[23] But appearance may be deceiving.

There are two limits on leverage that stand in a paradoxical relationship to one another: capacity and willingness. In part, the former reflects the need for an arms-length relationship between the United States and its endangered ally. Because the United States is not a colonial power, Americans cannot control the political, administrative, and military machinery of allied governments, nor track their policies or actions effectively, let alone fine tune them. The United States must depend on diplomatic exhortation in the absence of authority. The problem goes deeper, however. Hearts and minds analysts' assertion that successful counterinsurgency depends on local development and/or reform precludes direct American involvement. The United States may advise and bankroll reform, but the programs must be 99 percent local if they are to win hearts and minds forever. In other words, policy makers' analysis of the requirements for success suggests that for practical

[21] Seymour Deitchman, *Limited War and American Defense Policy* (Cambridge, Mass.: M.I.T. Press, 1964), 40.

[22] McCuen, *The Art*, 72–3.

[23] NSC, USOIDP, 17.

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as well as diplomatic reasons the United States cannot exercise authority in counterinsurgency or reform efforts and must somehow achieve the internally contradictory goal of using external influence to force an ally to pursue a particular course of action independently.

But here lies the willingness half of the paradox. For leverage to be meaningful, the possessor must be ready to exercise it. As Constantine Menges observed in a RAND memo, the

> United States can exert significant influence on ally governments only if it can make credible to an ally regime that it has alternatives to collaboration. Such explicitly outlined alternatives are necessary . . . to preserve the capacity of the U.S. government to bargain with, and if necessary, coerce ally governments in a counterinsurgency effort.[24]

Yet while they define counterinsurgency as a local concern, analysts define insurgency as a strategic issue for the United States. This heightens worry over threatened allies' efforts to achieve the three oughts, but simultaneously reduces the credibility of the "alternatives to collaboration" necessary if the United States is to exert leverage. Indeed, it has the perverse consequence that the more critical the situation, the less leverage the United States can muster. Or, conversely, the more critical the situation, the more reverse leverage nominal clients will exercise, the less likely they will undertake needed reforms, and the more tempted they will be to depend on American assistance and resources rather than the mobilization of local ones.

Leverage, in short, is more problematic than initially suggested. Indeed, the extent to which the United States can stage manage counterinsurgency may turn as much, if not more, on the domestic politics of the threatened country as on the resources the United States devotes to the cause. Thus, the assessment of leverage at the government-to-government level requires assessment of the prospects for reform in the insurgency-threatened country. The accuracy of such assessments depends in turn on the quality of the analytic lens used. Here, however, American counterinsurgents were ill served.

Intragovernmental Constraints. Will and capacity also define the prospects for leverage, reform, and realizing the great oughts at the intragovernmental level. Each depends on leaders' desire and ability to implement the necessary reforms. Neither notion is new. Analysts have long stressed the need for the will and capacity to undertake reform in crisis. They have never, however, specified which governments under which conditions will be willing and able to do what. Yet without answers to these questions, policy makers cannot assess the prospects for leverage over an ally or reform on its part.

Whether or not political elites will undertake needed reforms depends on the implications of reform for their interests. Hearts and minds analysts sidestepped this issue by assuming that leaders' interests are the same as the national interest.

[24] Constantine Menges, *Democratic Revolution Insurgency as an Alternative Strategy* (Santa Monica, Calif.: RAND Corp., March 1968), 5.

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They were not entirely indifferent to the weaknesses of this critical assumption. Indeed, in 1962 U. Alexis Johnson noted:

> To bring about some degree of social, economic and political justice . . . will invariably require positive action by the local government. In some cases only radical reforms will obtain the necessary results. Yet the measures we advocate may strike at the very foundations of these aspects of a country's social structure and domestic economy on which rests the basis of the government's control.

Johnson even conceded that the task might be "sometimes impossible."[25] But this warning, like the observation that prompted it, went unheeded. Analysts largely ignored the possibility that for certain elites the aim of fighting is to defend power and privilege and thus that the prescribed good government (democratic, responsive, law-abiding, corruption-free) may be even less palatable than toughing out the insurgency as long as possible before flying to exile in Miami or Monaco.

To assess if this will be the case requires analysis of the consequences of specific reforms for specific elites. It requires more, however, because the questions of will and capacity involve not a homogeneous leadership, but the problems posed by competition among conflicting elites with different bases of power, resources, and interests. Indeed, the problem of capacity is that of coalition management in fragmented regimes. The issue is not whether reform is necessary; insurgency-threatened governments *do* need greater legitimacy and professional, public-service oriented armed forces if they are to defeat their rivals for power. Instead, it is whether the interests of key elites and necessary reforms can be reconciled. Analysts obscure this point by assuming that the long-run goals of defeating insurgency and development will eclipse short-term petty political concerns. But politicians are risk adverse, and they discount future problems in the face of more immediate ones. Where the stakes of politics are high—possibly life or death—the risks of the present are paramount. And for cleavage-riven regimes threatened by insurgency, the risks of managing intragovernmental tensions dominate the present. This, however, may transform the call for reform into an insistence that regimes risk their hold on power to defeat the insurgents.

The resulting dilemma appears most clearly in the area of military and police reform. A strong military is essential to defeat insurgents, and tight control of it is essential for improved relations with the population. Insurgency-threatened regimes depend on the continued support of the military and police, however. Such support must be bought, in part with money, but also with political power in the form of autonomy in matters affecting the corporate and personal interests of officers. Yet the consequences may be disastrous for counterinsurgency. Soldiers may become mercenaries neither interested in nor capable of facing the insurgents. Ill-disciplined, often unpaid and unaccountable, such troops are likely to prey on the public, not protect them.[26] For would-be reformers, internal and external, the

[25] U. Alexis Johnson, "Internal Defense and the Foreign Service," *Foreign Service Journal* 39 (July 1962): 23.

[26] Blaufarb, *Counterinsurgency Era*, 303.

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prospects for success may be limited, since the conditions that create the demand for reform indicate a political situation likely to render it impossible. If so, they will also render the prescriptions of the security "ought" counterproductive, as these add to the armed forces' political weight and resources and make reform still more difficult.

Here it is necessary to stress that these conditions do not apply everywhere. Whether they do or not depends on the nature of the regime, insurgency, and required reforms. Neither counterinsurgency doctrine nor the analysis of Third World politics behind it allows for such assessments, however. Bereft of this analytical acuity, prescription is blind.

Government-Populace Relations. Last, and most important, are questions of the relations between government and population or, conversely, insurgents and population. The problems show first in the security ought. The assumption of governmental legitimacy and the definition of insurgency as the product of outside meddling justifies providing as much security assistance as governments desire. Analysts need never ask: "security for whom?" and "defense against what?" Failure to do so, however, obscures alternative explanations of insurgency and faults in the prescriptions of the security ought.

Two possibilities in particular stand out. First, support for the insurgency may derive from calculation that insurgent, not government, programs offer more. If so, it is unreasonable to expect people to feel more secure because the existing social order is better defended against efforts to change it. Second, support for the insurgents—or lack of support for the government—may derive not from the masses' capture by the insurgents, but their abuse by the government. If true, security ought prescriptions may be counterproductive. If the government is abusive or cannot control the agents of key constituents (civil guards, death squads), then increasing its coercive capabilities may increase attacks on civilians, not the insurgents. Furthermore, such predatory behavior may increase with resettlement and the population's subjugation to direct control by government. In short, the claim that improving the military capabilities of government will increase security and so win the hearts and minds of the populace may be false. To the contrary, increasing the government's security may decrease that of the population, further alienating them and in the extreme forcing them to such self-defense measures as joining the insurgency.

Two elements of the security prescription partially recognize the need for better relations between the military and civilians: civic action and the International Military Education and Training program (IMET). These, however, break down under the weight of other inappropriate assumptions. Civic action programs aim to buy popular support by delivering material benefits.[27] They are in effect a public relations gimmick to improve the military's image, and as such represent an admission of the military's uncivic behavior. But civic action programs have their limits.

[27] Irving Heymont, "Armed Forces and National Development," *Military Review* 49 (December 1969): 51.

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One set of problems relates to civic action by U.S. forces. Despite army claims that civic action is highly efficacious,[28] projects within army capabilities are too small to be of much benefit and are no substitute for real development programs. More important, American civic action projects are irrelevant to the task at hand. They may reduce hostility to a foreign presence, but they cannot contribute to the improvement of government-population relations. Here lies a second, fatal set of problems, however. The quantity and quality of an ally's civic action operations depend on the local political and military system. If the government cannot control the military or the military preys on the population, then the prospects for achieving the discipline and public service orientation necessary for effective civic action seem poor. In short, civic action is least possible in those cases where it is most needed.

This is the problem IMET is supposed to address by creating, in the words of General Lyman Lemnitzer (then chairman of the Joint Chiefs), a "new breed of foreign military men—respectable men whose ultimate purpose is to . . . create an environment in which freedom has a chance to flourish."[29] But the prospect that a small minority of foreign trained officers will have a major impact is limited by the same constraints on reform mentioned earlier. The weaker the political system, the more likely politicians are to worry about the threat from within than the threat from without. They will thus be leery of efforts to discipline or depoliticize the armed forces. To do so might prove fatal today while the consequences of continued predatory behavior can be put off until tomorrow—especially if a powerful ally is committed to the cause.

Questions of the quality and quantity of the ties linking government and population explain the limits of good government prescriptions. Underlying the good government ought is a deep, unresolved tension between centralization and decentralization, between governmental control and responsiveness. Normatively, Americans prefer decentralized, democratic government as the ultimate goal of political development and a means of defeating insurgency. Conversely, their assumptions about the modernization process, the key participants in it, and its possible pathologies produce a prescriptive bent for centralized, paternalistic government. The assumptions underlying both of these antithetical positions are flawed, however.

At the national level politicians are not divorced from power bases nor are their power bases directly related to popular support or participation. Instead, politics is often the outcome of military, police, administrative, economic, and other groups maneuvering among themselves. Thus, political power and performance are likely to be tied to these preexisting, if fluid, arrangements and not to democratic legiti-

[28] See JCS, "Bluebook," 284; and Department of the Army, *Counterguerrilla Operations*, FM 31-16 1967, 16.

[29] JCS, "Summary Report, Military Counterinsurgency Accomplishments since January 1961," Memorandum for the Special Assistant to the President for National Security Affairs, CM-843-62, 21 July 1962, 8.

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mation by elections. As long as this is so, elections are unlikely to provide meaningful participation for the population and may increase popular cynicism.

Decentralization and democratization may also have a perverse impact on government-periphery relations. Central political elites often lack the means to mobilize voters or administer beyond the capital and so depend on local power brokers to do both. As a result, national politics and policy may be defined by those whose entrenched positions of power may be one of the causes of the distributional conflict underlying insurgency. Furthermore, decentralization increases their power. They are the only ones positioned to profit from new resources and freedom of action let slip by the center. In short, rather than improving popular access to the system and raising popular support, democratization and decentralization may do the opposite.

Last and most important are questions of the adequacy of arguments for decentralization at the local level. Here analysts have built a strong case for grassroots democracy to give people a stake in government. Such arguments, however, turn on what Samuel Popkin has labeled "the myth of the village": a vision of the premodern village as a unified, consensual, "moral" community destroyed by the trauma of modernization and the "penetration" of central authority and the capitalist economy.[30] Thus, it is claimed, if the roots of instability and support for insurgency lie in "defensive" reactions by villagers seeking to reconstruct the safety of traditional village life, the solution is to return local autonomy and control to the villagers.[31] But the argument fails on the assumption of a contented, traditional community and a desire to recreate it.

The issue is one of power. Contrary to myth, many traditional villages in the past suffered sharp tensions arising from the powerful peoples' ability to shift taxes, forced labor drafts, and conscription calls onto the poor, and to keep the lion's share of community resources for themselves. Colonialism aggravated this situation by providing external resources to local notables whose positions were thus greatly strengthened. Power within the village and access to external resources gave the notables control of village government and relations with the outside, despite democratic traditional forms of village government. These distributional tensions within the village, notables' external alliances, and the appearance of external support for the status quo provided insurgents a powerful package of grievances with which to mobilize support. Such conditions also suggest, however, that decentralization may hurt counterinsurgency efforts by offering local notables the opportunity to further enhance their power at the expense of those already prone to support the insurgents.

[30] Samuel Popkin, *The Rational Peasant: The Political Economy of Rural South Vietnam* (Berkeley: University of California Press, 1979).

[31] In a report on the other war in Vietnam prepared for President Lyndon Johnson, Robert Komer declared, for example, that "A major effort has begun to restore some authority and autonomy to the vital and traditional village/hamlet level government." Robert W. Komer, "The Other War in Vietnam—A Progress Report," report to the President, 13 September 1966, 39.

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Here the argument joins the other major theme—the necessity for political control by the center. Analysts see insurgency-threatened allies as developers whose well-intentioned developmental efforts are the unintentional—if unavoidable—causes of their plight. Thus, they argue, counterinsurgency requires the ability to manage modernization. Governments must possess the will and capacity to make the hard decisions: to invest not consume; rationalize administration; root out corruption; attack parochial political groupings, etc. Conversely, the masses are supposed to be malleable, gullible, and vulnerable. They are the Achilles heel of the development process, easy targets of insurgent propaganda because they have been uprooted from the traditional structures that once kept them out of trouble, have no grasp of issues of import beyond the village, and do not know their true self-interest. Together these arguments provide a strong case for paternalistic, possibly authoritarian governments able to do the dirty work and prepare the way for democracy.[32] There are problems, however.

Counterinsurgents assume that more government is better government. But this presupposes the very issues at question in a country threatened by insurgency: that government and populace share goals that will be advanced by greater government capabilities at the grassroots level. Yet elites' interests and those of the population may be very different. Greater government capacity to enforce the desires of the former on the latter may worsen conditions. In politics, as in romance, familiarity may breed contempt.

The problem shows starkly in the case of programs to increase government efficiency and administrative capacity. In the abstract, both are essential, but without attention to policy content they may be counterproductive. Indeed, improving administrative capacity has often meant greater governmental ability to collect taxes, enforce skewed land tenure arrangements, raise conscripts, etc. In short, improved administrative capacity may mean better enforcement of the status quo, which is the insurgents' target and a primary cause of popular support for them. Nor can the resulting problems be avoided by means of apolitical, civil service administration, for notions of administrative impartiality are meaningless when the question of *who* sets the rules to be administered lies at the heart of the conflict. Furthermore, despite the benefits of improved administrative capacity, governments may sacrifice reforms to the more immediate requirements of political loyalty and patronage politics on which the regime's very existence depends.

Similar problems plague the prescription that threatened governments ought to be scrupulously law abiding. This assumes the legality of the government in power. But if the insurgents have credible local roots and the political system is not—as the counterinsurgents suggest—representative or responsive, then what is legality cannot be assumed. To the contrary, the subject of insurgency is: whose

[32] U.S. Army, Office of the Secretary, "Evaluation of the Military Assistance Program," memorandum for the President's Committee to Study the United States Military Assistance Program, 1959, 19; and Richard Hough, *Economic Assistance and Security: Rethinking US Policy* (Washington, D.C.: National Defense University Press, 1982), 10–11.

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legality? what laws? what are or will be the rules of the game and who will define them?

Nor can questions of governmental legitimacy be addressed with the simple prescriptions of the progress ought. These confuse absolute standards of living with opportunities for future betterment and imagine that peasants cannot distinguish between the two. They assume a population that will respond with gratitude to short-term changes in the level of benefits from government. It is true that the peasants attracted to insurgencies would like more food, money, health, etc. It does not follow, however, that the simple promise of more explains peasant support for the insurgents, or that providing food, medicine, credit, etc. will win them back. In fact, such efforts may be irrelevant to peasants seeking not an added increment of welfare, but a redistribution of income, power, and prestige. For them, the issue may not be the quantity of goods and services provided by a system controlled from afar. It may be the quality of their relationship to that system and in particular their ability to shape the rules of the game.

Cost-Benefit Counterinsurgency. Formal doctrine did not remain frozen in its initial form. When the "other war" in Vietnam failed to progress, the criticism began and with it came a new wave of analytic writing, this time from the West. Where before the Camelot academics of the Northeast had held sway, analysts from the RAND Corporation achieved prominence at the end of the Johnson years and held it through the Nixon administration. With this shift, the language of counterinsurgency changed from talk of hearts and minds to the jargon of cost-benefit economics, and the focus changed from concern about overwhelming popular demands to underwhelming state repressive capabilities. It was not a change for the better. Cost-benefit counterinsurgency kept and exaggerated the weaknesses of hearts and minds and further muddled the issues of leverage, reform, and government-population relations.

The cost-benefit approach is best exemplified by the work of two RAND analysts, Nathan Leites and Charles Wolf, Jr.[33] They begin by criticizing hearts and minds (HAM) for its focus on poverty, income inequalities, corruption, etc. and the need for economic betterment, redistribution, and good government. HAM, they contend, views insurgency

> as analogous to a popular election in which the progress of the conflict depends on, and reflects, the distribution of popular preferences. Indeed, the insurgents' emergence is itself often viewed as a reflection of the government's loss of a primary heat in a subliminal popularity contest. Progress of the conflict is analogous to progress of an electoral campaign: the 'people' judge the contest, and express the preferences that determine the outcome.[34]

[33] See, for example, Charles Wolf, "Insurgency and Counter-Insurgency: New Myths and Old Realities," *Yale Review* 56 (December 1966); Wolf, *Controlling Small Wars* (Santa Monica, Calif.: RAND Corp., December 1968); Nathan Leites and Charles Wolf, Jr., *Rebellion and Authority: Myths and Realities Reconsidered*, (Santa Monica, Calif.: RAND Corp., August 1966) and *Rebellion and Authority: An Analytic Essay on Insurgent Conflicts* (Chicago: Markham, 1970).

[34] Leites and Wolf, *Rebellion and Authority: Myths and Realities*, 4-5.

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Even in its "moderate version," they argue, HAM identifies governmental malperformance with insurgency, and so "effective government" and "institution building" with successful counterinsurgency. These more moderate variants, they concede, are less "preferences oriented" but "the emphasis is still on the demand side of the insurgency problem, that is to say on the receptivity of the environment for insurgency."[35]

Leites and Wolf press their most successful attack against the progress ought. They argue cogently that there is no simple link between economic aid and support for the government. If modernization sows the seeds of insurgency, then more of the same may exaggerate, not alleviate, both the problem and the need for better, more centralized capabilities on the part of an already over-extended government.[36] Furthermore, given limited control of the countryside, aid to peasants may actually help the insurgents without raising support for the government, since the peasants may use it to pay off the guerrillas.[37]

Leites and Wolf go further to argue that popular preferences simply do not matter. They come to this conclusion by inverting a now familiar thesis. They contend that all Third World countries are vulnerable and thus that mounting an insurgency should be easy anywhere. Having said as much, however, they add that they "are as enthusiastic as others are for 'effective' (democratically-oriented and progressive) government, and for economic and social development. But to say that this . . . has to be accomplished to deal with insurgency is . . . too ambitious . . . to be interesting or useful. Pies in the sky are too remote to be tasty."[38] What they suggest instead are efforts to "raise the costs of inputs" and "block the output" of the "insurgent system."

The Leites and Wolf model is a simple, mock-economic one of inputs → process → outputs. As for inputs, Wolf argues that "what an insurgent movement requires . . . is not popular support . . . but . . . food, recruits, small arms [and] information at reasonable cost. . . . These costs may be 'reasonable' without popular support . . .; and, conversely, . . . may be raised considerably without popular support having been acquired by the government."[39] On the output side lie what they define as the essentials of success: terrorist activities, disruption of government administration, demoralization, and defeat of military forces.

Leites and Wolf suggest a four-part prescription. First, "counterrebellion" efforts must change "the costs and amounts of the inputs that the insurgent system gets." Second, they must attack "the process by which these inputs are . . . converted into the activities of the insurgent 'system'." Third, they must block the outputs of the insurgent system. Finally, they must undertake "the business of hardening . . . the insurgency's targets so that they can withstand more of the in-

[35] Ibid., 5–6.
[36] Wolf, "Insurgency," 228.
[37] Leites and Wolf, *Rebellion and Authority: Analytic Essay*, 19.
[38] Leites and Wolf, *Rebellion and Authority: Myths and Realities*, 7–8.
[39] Wolf, "Insurgency," 227.

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surgent activities." Specifically, they suggest resource and population control, rewards for killing or betraying insurgents, a military strategy of attrition, improved area security, and such target "hardening" measures as strategic hamlets.[40]

But the heart of the cost-benefit approach is coercion. In fact, Leiter and Wolf's aim is to demonstrate the political utility of force in attacking Third World instability. They assert that "limiting damage or enhancing gain may be a sufficient explanation for the behavior of the population, without recourse to more elusive explanations concerning putative preferences or sympathies."[41] Thus, counterinsurgents should worry not about popular allegiances, but how to raise the costs to the peasantry of supporting the insurgents. And force, they hold, is the best and cheapest way, since "the contest between R [Rebellion] and A [Authority] is . . . a contest in the effective management of coercion."[42]

The cost-benefit approach has its flaws. First is the potential immorality of a strategy based on coercion. Leites and Wolf acknowledge the problem explicitly. "While the cool analysis of coercion is morally repugnant," they note, "failure to analyze it should be even more odious, because such neglect magnifies the power of those who do." In fact, failure to analyze *and use* coercion will allow insurgents to "establish themselves impregnably with precisely those capabilities whose absence from the authorities' arsenal contributed to their arrival in power."[43] Theirs, in short, is a morality of consequences. But here is the rub: even within their definitional universe, the practicability of cost-benefit counterinsurgency is questionable.

In practice, the Leites and Wolf program replicates the great oughts and shares their limitations. Input control requires the administrative capacity to manage resource and population movements; targeting the insurgent's organization requires dedicated police and intelligence forces; and the need to harden "Authority's" structure sounds suspiciously like the good government ought. Wolf himself notes:

> One of the more crippling impediments to effective counterinsurgency programs lies in the wanton abuse of power by the government's military and paramilitary forces. . . . Military discipline must be . . . brought under firm control so that such harshness as is meted out . . . is unambiguously recognizable as a penalty deliberately imposed because of behavior by the populace that contributes to the insurgent movement.[44]

But all this is "too remote to be tasty." Such tasks are likely to be beyond the capabilities of fragmented regimes dependent upon mercenary armed forces.

No less problematic is the relationship between external benefactor and ally. Leites and Wolf rightly note the limitations of strategies requiring reforms by threatened regimes in order to qualify for assistance. They observe, too, that the United

[40] Leites and Wolf, *Rebellion and Authority: Myths and Realities*, 9–11; and Wolf, "Insurgency," 232–5. For an application of Leites's and Wolf's approach, see Heymann and Whitson, *Can and Should the United States Preserve a Military Capability for Revolutionary Conflict?* 56–8.

[41] Leites and Wolf, *Revellion and Authority: Analytic Essay*, 42.

[42] Ibid., 155.

[43] Ibid., 156, 158.

[44] Wolf, "Insurgency," 239.

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States cannot expect allies in need to be politically pure. The problem, Wolf argues, "is that our disposition to accept the 'popular support' view of [insurgency] makes us too prone to look for overly broad and ambitious 'social transformation' solutions, and to overlook the more modest, realistic, sometimes distasteful measures that may improve the situation step by step."[45] This, however, raises the question of whether it is possible to distinguish between the coercive, short-term measures prescribed and later reforms that will render them unnecessary. No less important, because leverage is inversely proportional to involvement, by providing short-term assistance the United States reduces both leverage and the prospects for reform.

Beyond these practical issues lie crippling analytic flaws. There are, in fact, two related problems stemming from the assertion that popular preferences are immaterial. First, despite claims of neutrality, Leites and Wolf assume the illegitimacy of "Rebellion" and the legitimacy of "Authority" (defined as "a legal and legitimized right and capacity to command").[46] Similarly, they delegitimize insurgents by insisting that they are foreign inspired and depend on coercion, and deny by definition the possible legitimacy of insurgent counterclaims and popularity. Such notions are meaningless, after all, if the masses are incapable of knowing or pursuing their interests. Thus from the outset they prejudge what may be a contest to redefine the political rules of the game and legitimacy itself.

Here lies a second assumption: politics can be analyzed as process devoid of substance. Wolf asserts that "what needs to be . . . made central to the discussion is the question of authority and control, and of instruments to effectuate this authority and control."[47] Since the legitimacy of authority is assumed, this reduces to consideration of instruments and hence the ability to coerce compliance. This reduction of counterinsurgency to the exercise of coercion has the analytic advantage of eliminating questions of human costs and the political consequences for "Authority" of abusing its subjects. If insurgency thrives on coercion, then it is of no political consequence if "Authority" uses the same instruments. Conversely, even if the population perceives opportunities in the insurgency, sufficient force can make supporting it to win long-run benefits a pointless venture. This second assumption holds only if the former does, that is, that the peasantry are the passive objects of other people's manipulation. But if the tenacity of the Viet Cong is any indication, some peasants under some conditions are willing to invest even their lives in an effort to remake their world. By denying the importance of context and content, however, Leites and Wolf also deny themselves the ability to identify which peasants under what circumstances will be willing to die for what causes.

[45] Ibid., 233.

[46] Wolf, *Small Wars*, 2. In *Rebellion and Authority: Myths and Realities Reconsidered*, 2–3, for example, Leites and Wolf attempt to neutralize their language by using "rebellion" for "insurgency," "authority" for "regime" or "government," and so on. If only it were possible to achieve scientific detachment by such simple-minded means.

[47] Leites and Wolf, *Rebellion and Authority: Myths and Realities*, 3.

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Facing the Future: Unlearned Lessons

There is no mistaking postwar American concern about Third World insurgency, nor is there reason to imagine that either this concern or the insurgencies that provoke it will disappear soon. But as crises arise, warns Douglas Blaufarb, the United States must "scrutinize the terrain with care, with an eye to the underlying fundamentals, and with a disabused realism in regard to its own abilities to provide suitable assistance."[48] The United States, in short, needs a new, more accurate triage mechanism, an analytic tool for assessing "the realities of each case" in terms of the possibility of leverage with would-be allies, the likelihood of reform on their part, and the nature of government-population relations. What are the prospects such a doctrine can and will be developed in the near future?

Counterinsurgency – now subsumed as one element in low-intensity warfare – is again attracting the high-level attention that propelled the counterinsurgency era of the 1960s. (In fact, as one expert put it recently, the 1980s "ushered in a new counterinsurgency era.")[49] Perhaps nothing demonstrates this better nor offers a better opportunity to assess new thinking on counterinsurgency than the January 1986 Conference on Low-Intensity War sponsored by Secretary of Defense Caspar Weinberger.[50] The conference was chaired by Under Secretary of Defense for Policy, Fred Iklé, featured papers by the secretary of defense, Secretary of State George Shultz, Ambassador Jeane Kirkpatrick, and a who's who of American counterinsurgency experts; it was attended by senior representatives of the Defense Department, White House, Congress, State Department, and CIA, as well as foreign diplomats and military officers. Examining the proceedings, however, is a sobering experience, for they show no evidence that any of the underlying analytic problems of past doctrine have been recognized, let alone corrected. Indeed, what is most striking about the proceedings is the extraordinary continuity of the ideas expressed.

There is no mistaking the importance attached to low-intensity conflict, nor conference participants' sense of urgency that something be done about it. As Secretary of State George Shultz put it in words reminiscent of the 1962 USOIDP, the challenge of low-intensity warfare is "one of the most pressing problems in U.S. foreign and defense policy"; indeed, "the future of peace and freedom may well depend on how effectively we meet it."[51] And again, as in the 1960s, one and all agreed with Secretary Weinberger that "If we are to deal with [this challenge], we must understand it and understand the circumstances which gave rise to it." "We must decide," he observed,

[48] Blaufarb, *Counterinsurgency Era*, 310.

[49] Sam C. Sarkesian, "Commentary on 'Low-Intensity Warfare: Threat and Military Response'" in *Proceedings of the Low-Intensity Warfare Conference* (hereafter *Proceedings*) sponsored by the Secretary of Defense, 14–15 January 1986, Fort McNair, Washington, D.C., 38.

[50] *Proceedings*.

[51] George Shultz, "Low-Intensity Warfare: The Challenge of Ambiguity," speech to the Low-Intensity Warfare Conference, *Proceedings*, 9, 12.

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> if our interests justify intervention . . . if the leadership of the country threatened is capable of using our assistance to proper effect, which is to say for the security and well-being of the nation, rather than merely to sustain itself in power and to reinforce those abuses which may have contributed to the nation's difficulties from the beginning. We must decide whether an existing leadership is better or worse for its people and our interests than possible alternatives . . . . We must decide what form intervention should take, if we are to intervene, and by what means, and through which agencies.[52]

But here is the rub, for the new thinking on counterinsurgency—like the old—hinders rather than helps this necessary diagnostic endeavor.

The new counterinsurgency remains as tightly focused on Soviet meddling as its predecessor. Indeed, Secretary Weinberger opened the conference by declaring: "Tonight, one out of four countries around the globe is at war. In virtually every case, there is a mask on the face of war. In virtually every case, behind the mask is the Soviet Union and those who do its bidding."[53] Later General Paul Gorman warned that some such conflicts "arise from causes remote from the influence of [the superpowers]," while Sam Sarkesian noted that "unconventional conflicts are not necessarily triggered by Soviet power projections or machinations" and may "evolve from political, social and economic turmoil in Third World States."[54] Yet both warnings were largely ignored and analysis presented at the conference followed Chairman and Under Secretary of Defense Fred Iklé's admonition to focus on "the Soviet role in each specific situation and the Soviet role globally towards low-intensity conflict."[55] Thus, like policy makers in the 1950s and 1960s, conference participants explained low-intensity conflict as a Soviet effort to subvert the existing balance of power. As Secretary Shultz put it, "these new [sic] and elusive challenges have proliferated, in part, *because* of our success in deterring nuclear and conventional war. . . . Low-intensity warfare is . . . a flanking maneuver [that] has exposed a chink in our armor."[56] And how have the Soviets done so? By means, declared Secretary Weinberger, of "a strategy proven in the takeover of Russia herself, and refined in the enslavement of Eastern Europe."[57] Therefore, asserted Under Secretary Iklé, there are no "obscure political forces" to be understood in analyzing insurgency. To the contrary, "as we look more closely, we will find a body of theory behind it . . . called Leninism."[58]

The consequences of this focus on Soviet tactics are as devastating in the 1980s as they were in the 1960s. The very definitions of "low-intensity warfare" stress the tactics used, not the underlying circumstances.[59] Even where an effort is made

[52] Caspar Weinberger, "The Phenomenon of Low-Intensity Warfare," speech to the Low-Intensity Warfare Conference, *Proceedings*, 3, 6.

[53] Ibid., 3.

[54] Paul Gorman, "Low-Intensity Conflict: American Dilemma, *Proceedings*, 13–4; and Sarkesian, "Commentary," 51.

[55] Fred Iklé, *Proceedings*, 97. This quote is from the unedited transcript of the conference (hereafter Transcript.)

[56] Shultz, *Proceedings*, 9. (Emphasis in original.)

[57] Weinberger, *Proceedings*, 4.

[58] Iklé, *Proceedings*, 191. (Transcript)

[59] See, Shultz, *Proceedings*, 9.

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to be more analytic, the definitions offered are too broad to be useful and maintain the voluntarist assumption that revolutions are made by revolutionaries wielding a tested revolutionary doctrine. As a result, critical distinctions among cases are obscured and the whole of the Third World reduced to a featureless lump that is universally vulnerable to insurgency. As Under Secretary Iklé put it, the 150 countries of the Third World "have perhaps only two things in common—the name and the fact it is an arena for low-intensity warfare."[60] Conversely, as Brian Jenkins and Sir Robert Thompson agreed in one exchange, despite the possibly "unique history . . . unique culture, . . . unique government situation, unique laws, unique military situation, [and] unique circumstance" of any given case, "we can in fact talk about a [counterinsurgency] doctrine that is fungible from one country to another" because all insurgencies and insurgency-threatened countries are fundamentally alike.[61] A similar and familiar universalism informed the conference participants' assurance that they already understood the essential issues involved in developing such doctrine, for as Secretary Weinberger put it, "there is . . . no gainsaying the argument that we know something about nation-building, having built one ourselves."[62]

The problems posed by such crude generalization show clearly in the picture of insurgency offered at the conference. On the one hand, where explanations refered to local causation, they merely repeated those offered in earlier eras.[63] On the other, most explanations portrayed insurgency as requiring no more than "death and destruction"[64] to "instill fear, to institutionalize anxiety . . . and make . . . craven survival the ultimate value," so as to create a situation in which "the better part of wisdom consists of resignation to the will of the insurgents, be they ever so small in number, brutal in behavior, or unrepresentative in their goals."[65]

Such generic explanations of the roots of revolution are seriously misleading. It is clear that blanket references to the "trauma of modernization" impede the careful diagnosis necessary before counterinsurgency assistance can safely be contemplated. In particular, they blind policy makers to which countries under what conditions may be subject to insurgency. Thus, on the one hand, they give the frightening, but false impression that all Third World countries are vulnerable, while on the other, they give the comforting, but no less false impression that all threatened allies are equally aidable. Insurgents *may* pursue policies of "death and destruction," but they are a mark of weakness and the kiss of death. (Indeed, if observed, counterinsurgents should take heart, for such tactics indicate a movement without solid support and vulnerable to relatively modest government initiatives.) Conversely, successful insurgents such as the Huks and the Viet Cong did not pursue purely destructive policies. In fact, the seriousness of the challenge they posed was a direct result of the constructive possibilities they offered peasants.

[60] Iklé, Summary comments, *Proceedings*, 188. (Transcript)
[61] Robert Thompson, *Proceedings*, 181–2. (Transcript)
[62] Weinberger, *Proceedings*, 7.
[63] See, for example, Thompson, *Proceedings*, 74.
[64] Gorman, *Proceedings*, 15.
[65] Weinberger, *Proceedings*, 5.

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This double failure of explanation is reflected in misprescription. In the absence of improved analytic acuity, no one at the conference questioned the classic "three oughts" or the prescriptions deriving from them. Thus, both analysts and members of the audience called for increased security assistance, training programs to professionalize and depoliticize the military, the promotion of civic action by American and allied forces, efforts to raise the quantity and quality of threatened governments, and the provision of development assistance. Despite occasional references to the possible sensitivity of the required reforms, no attention was paid either to the questions of leverage, intragovernmental constraints on reform, and government-population relations or to the implications of these for the likely success or failure of American counterinsurgency assistance if offered. To the contrary, in the absence of any changes in the assumptions about the target countries, attention focused exclusively on *American* problems in the implementation of policies presumed to be correct.

Contemplating the challenge of low-intensity conflict, Ambassador Kirkpatrick told the conference, "I've my own version of that old Pogo canard, and [it] is, 'I have seen the problem and it is us'."[66] She and other speakers stressed three aspects of this problem in particular: cultural, domestic political structure, and bureaucratic (especially Pentagon) politics. First, declared Kirkpatrick, "Our whole world view and view of history predisposes us to believe that peace is a norm and that war and violence are abnormal."[67] Thus, echoed Secretaries Weinberger and Shultz, "the American nation [is] culturally disposed to quick conclusions"—impossible in low-intensity warfare—and is bound by "moral scruples that discipline our power" and so "paralyze" us before unscrupulous enemies.[68] Others worried that as a democracy the United States is "at a distinct disadvantage in responding to unconventional conflicts," while the memory of Vietnam has divided American public opinion on the use of force, left "a legacy of contention between the executive and legislative branches and a web of restrictions on executive action," and bred a press that makes the prosecution of protracted wars impossible.[69] Finally, many argued that counterinsurgency failure in Vietnam resulted from: the inapplicability of American general purpose forces; the propensity of military leaders "to define the United States out of low-intensity conflict"; the relegation of low-intensity conflict to "the periphery of military education and professionalism"; distrust of counterinsurgency units by the regular military; an approach to military assistance that makes Third World forces the mirror-image of ours; and continued attachment

[66] Jeane Kirkpatrick, "The Role of the Soviet Union in Low-Intensity Warfare," speech to the Low-Intensity Warfare Conference, *Proceedings*, 130. Similarly, General Gorman approvingly cited a forthcoming article in *Army* by General William DePuy, in which DePuy asserts that "the political heart of the matter," is that "we are self-constrained by our own history and political processes, and therefore vulnerable to failure." *Proceedings*, 16–7.

[67] Kirkpatrick, *Proceedings*, 131.

[68] Weinberger, *Proceedings*, 4; Shultz, *Proceedings*, 9–10.

[69] Sarkesian, *Proceedings*, 40; Brian Jenkins, *Proceedings*, 175–6 (Transcript); Shultz, *Proceedings*, 11; and Patrick Buchanan, *Proceedings*, 152–3 (Transcript).

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to a philosophy of "laying ordinance on target," especially with "high tech weapons used at a distance," which in insurgency situations "is highly counterproductive."[70]

Not surprisingly, the conference focused largely on prescriptions for removing these constraints on American ability to defeat insurgencies. Some such prescriptions were straightforward (though ironically no attention was paid to the problems of implementing them): if the Pentagon procurement system makes it difficult to develop cheap, rugged equipment for use in the Third World, change the procurement system; if the U.S. military cannot train Third World armed forces for counterinsurgency, hire civilian contractors to do so; if the current organization of the Joint Chiefs of Staff discourages interservice cooperation in counterinsurgency planning, organization, and implementation, reorganize the JCS; if counterinsurgency requires special units and a new kind of military man trained in political warfare, set up such units and revamp military training.[71] Many other prescriptions were but vague wish lists calling, for example, for a "new realism" among policy makers and the public about the threat of insurgency. But specific or vague, the key point is that attention focused on how to implement the three oughts better. There is no suggestion that either the classic prescriptions or the analysis behind them might be wrong. To the contrary, the old assumptions remained unchallenged, despite the logical flaws in them detailed here and the real world failures of past policies based on them.

This brings us to one last point. It may be, as John Lovell of the Army War College Strategic Studies Institute contends, that counterrevolutionary warfare "has become a central object of American military policy in the 1980s."[72] But a former commander of American forces in Central and Latin America notes, "as a nation we don't understand it and as a government we are not prepared to deal with it."[73] Thus, the key lesson of this analysis is straightforward. Before undertaking more such involvements, the United States requires an analytic capacity to distinguish the possible from the impossible in terms of its actual ability to shape events and the dynamics of specific insurgencies. The longer it takes the United States to learn the lessons of the past and develop such a capacity, the greater the risk that it will again stumble into a war that better analysis might have helped avoid. But can the United States learn these lessons? And can it develop the necessary analytic capacity? Unfortunately, the auguries are not good.

Building a new, more sophisticated counterinsurgency doctrine poses a double challenge: what its content should be and how to achieve acceptance for the new doctrine when developed. While the difficulties raised by the former are daunting, it is the latter that is the real problem.[74] However clear the need for an improved

[70] Gorman, 15–8; Sarkesian, 38; and Bill Taylor, "A Comment" [on Gorman, "American Dilemma"], 60–61—all in *Proceedings*.

[71] Gorman, Sarkesian, and Taylor, *Proceedings*.

[72] "The American Army and Revolutionary Conflict, 1945–1965: The Tortuous Process of Foreign Policy Learning," paper presented at the 26th Annual Meeting of the International Studies Association, Washington, D.C., 5–9 March 1985, 1.

[73] Cited in *Newsweek*, 6 June 1983, 24.

[74] For a full development of the following argument, see Shafer, *Deadly Paradigms*.

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understanding of insurgency and counterinsurgency (and as noted above even this is not widely acknowledged), there is no certain connection between necessity and realization. Indeed, as in insurgency-threatened countries, the issue is less what *ought* to be done than what *can* be done, for the old ideas have tremendous staying power and the new ones possess little appeal.

Stated succinctly, this article has argued that American policy makers misunderstood past insurgency situations, prescribed inappropriate solutions to them, and overestimated the United States's role in the process. They did so because of the distorting impact of widely shared and unquestioned assumptions concerning the sources, nature, direction, and potential consequences of political change in the Third World. These assumptions shaped policy makers' "definition of the situation" by incorrectly focusing their attention on certain issues and causing them to ignore more important ones. The resulting inaccurate diagnoses of insurgencies in turn led policy makers to pursue inappropriate, often counterproductive policies while closing off other courses of action not consistent with them. Finally, the continuity of this flawed diagnosis and the related misprescriptions across four decades and many different cases suggest they are relatively autonomous and, as such, unlikely to improve much in the near future.

Examination of policy makers' ideas reveals the reasons for this fateful longevity despite academic attacks and real world failures. On the one hand, these ideas infuse even everyday understandings of what happens in the Third World and why. They are like Sherlock Holmes's "dog that didn't bark"; their very familiarity leads people to accept them unquestioningly and, conversely, to resist alternatives. On the other hand, this set of ideas also possesses a trio of utilities that have greatly enhanced their shelf life. They appear to provide parsimonious explanations of Third World complexity; and these explanations suggest readily available policy prescriptions for managing it, while serving important ideological functions. This being the case, the requirements of a better analytic tool for assessing potential counterinsurgency involvements conspire against its development and acceptance. The tool must overcome not only the inertia of familiar ideas, but its own anti-utility: the explanatory complexities imposed by a need to assess each case on its own merits, the need to develop prescriptions tailored to each individual insurgency, and the unpleasant recognition that counterinsurgency involvements will necessarily tie the United States to some very unsavory allies. Thus, looking back over twenty-five years of fruitless debate over how to improve American counterinsurgency doctrine, Gaddis Smith's rejoinder to George Santayana comes to mind: "One of the most somber aspects of the study of history is that it suggests no obvious ways by which mankind could have avoided folly."[75] Future historians may well make the same observation regarding our new efforts to avoid the pitfalls of past counterinsurgency involvements.*

[75] Cited in Harry Summers, Jr., *On Strategy: A Critical Analysis of the Vietnam War* (Novato, Calif.: Presidio, 1982), 84.

* Portions of this article appear in the author's just published book, *Deadly Paradigms: The Failure of United States Counterinsurgency Policy.*

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Clausewitz and Nuclear Crisis Stability

RICHARD NED LEBOW

Loss of control is a principal theme of several recent studies of crisis management.[1] These studies stress the unforeseen and possibly disastrous consequences of strategic nuclear alerts. They make a strong case for the difficulty of controlling the complex and tightly coupled alert and warning systems of the superpowers. In doing so, they offer a much needed corrective to the strategic community's fixation on guaranteed retaliation, something that over the years has made the command and control problem more acute. At the same time, concern for command and control should not blind us to other causes and manifestations of loss of control that could prove just as destabilizing in crisis. This article will explore three of these: civilian-military conflict, emotions, and political sabotage. It will analyze their mediating conditions, their implications for crisis management, and what if anything could be done to minimize their disruptive effects.

Friction, Emotion, and Policy

A useful starting point for this analysis is the classic study of war by Carl von Clausewitz. The great Prussian strategist believed war to be dominated by two opposing tendencies. The first of these, friction, consists of all the organizational, logistical, and human factors that limit the application of force or its rational direction. According to Clausewitz, friction was the primary cause of military failure.

[1] Paul Bracken, *The Command and Control of Nuclear Forces* (New Haven: Yale University Press, 1983); Bruce G. Blair, *Strategic Command and Control: Redefining the Nuclear Threat* (Washington, D.C.: Brookings Institution, 1985); Richard Ned Lebow, *Nuclear Crisis Management: A Dangerous Illusion* (Ithaca, N.Y.: Cornell University Press, 1987).

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"Countless minor incidents," he wrote, "—the kind you can never really foresee—combine to lower the general level of performance, so that one always falls short of the intended goal." Friction could be to some degree overcome by "iron will-power" but only at the price of wearing down the military machine.[2]

The abortive mission in 1980 to rescue the American hostages in Iran gives vivid testimony to the decisive influence of friction on the outcome of contemporary military operations. The technical causes for the mission's failure can be traced to the cumulative effect of a number of oversights and bad judgments. Among these were the failure to equip the helicopters with sand screens to protect their hydraulic systems, the decision to load all of the spare parts for the hydraulic systems aboard one helicopter (the one that had to turn back because of a sandstorm), the unexpected encounter with a bus full of pilgrims on the supposedly deserted Iranian airstrip, and the fatal collision of a helicopter with an airplane in the course of the force's withdrawal. These problems typify the kinds of snafus that Clausewitz described under the rubric of friction.[3]

Friction is opposed by the "natural tendency" of war to seek its most extreme expression. War is a test of wills. Each side employs force to demonstrate its own resolve and to bend or break that of its adversary. Escalation by one side compels the other to follow suit. "A reciprocal action is begun," Clausewitz wrote, "which must lead, in theory, to extremes."[4] In crisis or war this can take the form of runaway escalation despite efforts by leaders on both sides to keep the conflict in check. Clausewitz attributed runaway escalation to the interplay of institutions and emotions. Violence arouses the passions of leaders and public opinion alike. If, as often happens, elite and public judgment becomes captive to these emotions, the government can lose sight of the goals for which war was begun. A limited objective is then likely to become transformed into the more general one of defeating the enemy, whether or not this serves any political purpose. Political leaders who want to keep a war limited may be helpless in the face of mounting institutional and political pressures for a wider war.

World War I provides the best illustration of this process. Conceived of as a limited war by Austria and Germany, it quickly became a European and then a world war. A military stalemate prolonged the conflict for four years despite the realization of many political leaders on all sides that a costly war of attrition was contrary to their individual or collective national interests. The tremendous loss of life and associated hardships on the home front compelled political leaders in every country to commit themselves publicly to war aims commensurate with these sacrifices. Far-reaching objectives of this kind prevented any negotiated settlement.

A primary objective of Clausewitz's study, lost upon most of his contemporaries,

[2] Carl von Clausewitz. *On War*, ed. and trans. Michael Howard and Peter Paret (Princeton, N.J.: Princeton University Press, 1976), 119–121.

[3] Joint Chiefs of Staff, Special Operations Review Group, *Rescue Mission Report* (Washington, D.C.: Joint Chiefs of Staff, 1980).

[4] Clausewitz, *On War*, 77.

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was to warn of the dangers of modern warfare. After 1815, most European statesmen and military men were convinced that the genie of modern war had been put back in the bottle and the stopper firmly inserted in its place with the exile of Napoleon to Elba, and finally to St. Helena. Clausewitz disagreed. Napoleon, in his view, had merely been the first leader to foresee the possibilities of modern warfare; he was not its cause. The "nation in arms" was an expression of European industrial, administrative, and political development. It was a phenomenon that would not go away. Renewed attempts to wage war in Europe would of necessity require mass support and sacrifice. There was a real danger that they would become wars *à l'outrance* regardless of leaders' intentions to keep them limited.

Clausewitz's argument seems to stand in direct opposition to his frequently quoted assertion that "war is a continuation of political activity by other means."[5] Like many contemporary strategists he was contending that war had become increasingly impractical. The cost of general war was so great, he warned, that there were few, if any, political goals commensurate with it. Limited war, which he still thought feasible, nevertheless threatened to escalate into general war because of the difficulty of controlling it. Caution and restraint were the order of the day. The seeming contradiction between Clausewitz's political message and his famous aphorism can be reconciled when we realize that Clausewitz couched his narrative in terms of the dialectic, a philosophical construct very much in vogue in Germany at the time. The dialectic was ideally suited to Clausewitz's intention of distinguishing between war in theory and war in practice. The "thesis," war in theory, described war as it ought to be waged. Its purpose was to achieve political objectives that were unattainable by diplomacy or other means. War accomplished this by bending or breaking the adversary's will to resist through the measured application of force. In this sense, war was an extension of politics by other means.

In the real world, Clausewitz recognized, the relationship between means and ends was not so straightforward. Friction and emotions intervened to retard or escalate a conflict. Because of this, the means of war sometimes bore only the vaguest relationship to its ends. Administrative, financial, political, and human obstacles at times made it impossible for leaders to apply force in the degree or manner required to achieve their objectives. On other occasions these same constraints conspired to push war toward its extremes, by far the greater danger according to Clausewitz. War in the real world was therefore imprecise, difficult to wage and to control, and, above all else, unpredictable. This was Clausewitz's "antithesis."

In the dialectic, the synthesis resolves the tension between thesis and antithesis. For Clausewitz, the synthesis was the soldier-statesman who understood war in theory and from experience. As far as possible, he would resolve the contradictions between them. Failing that, he would at least be guided by the lessons of both perspectives instead of viewing war only through the prism of one of them. A soldier-statesman would never lose sight of the broader political objectives of

[5] Ibid., 87.

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war, but his choice of objectives and the military means by which they were to be achieved would be shaped and tempered by an understanding of the problems, pitfalls, and uncertainties of war. In the nineteenth century, Otto von Bismarck most closely approached this Clausewitzian ideal. Not so his successors, or the other general staffs of Europe, whose narrow conception of strategy as a technical military problem was to a great extent responsible for the tragedy of World War I.

Clausewitz's message was lost on most of his contemporaries. This may have been due in part to the difficulty of piecing together a complex and layered argument from an unfinished manuscript. It was also the result of motivated bias. Throughout the nineteenth century, readers took from *On War* what they wanted to and glossed over its apparent contradictions, if they even noticed them. Military men especially, who were committed to warfare as a way of life, revered Clausewitz for his military lessons—his emphasis on boldness, surprise, concentration and economy of force, and the significance of decisive engagements—and entirely ignored his more important strategic and political insights.

For Clausewitz, the essential dynamic of war was the ever present tension between the forces restraining war and those pushing it toward its most extreme expression. In the eighteenth century the force of friction dominated and war was of necessity limited in its aims, scope, and duration. This changed with the French Revolution. Technological and administrative advances encouraged European governments to become far more ambitious in the scope of their military efforts. Even more important, according to Clausewitz, was the political change that the revolution brought about. "The people," he observed, "became a participant in war; instead of governments and armies as heretofore, the full weight of the nation was thrown into the balance." Once this happened, war took on a completely different character. Its sole aim became the overthrow of the opponent. "Not until he was prostrate," Clausewitz lamented, "was it considered possible to pause and try to reconcile the opposing interests. War, untrammeled by any conventional restraints, had broken loose in all its elemental fury."[6]

Since Clausewitz's day, the balance between the forces restraining and expanding war has evolved even further in the direction of the latter. The same is true of crisis. Nuclear weapons are the most important new factor affecting both, but they are not the only development responsible for this trend. Some of these other factors would be recognizable to Clausewitz in principle, if not in detail. Let us examine them and their implications for crisis management.

Civilian Control of the Military

Civilian-military conflict can have many different causes. Here I treat only those that are institutionally based. Political leaders are likely to face two very different kinds of problems in this connection. The first is conflict arising from clashing civilian-military perspectives, a problem that has long been recognized in the crisis

[6] Ibid., 592–593.

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literature.[7] Political leaders are likely to show great concern for minimizing the risks of war associated with alerts, shows of force, or limited military operations. Even when sympathetic to this objective, military leaders will also be committed to maintaining their institutional independence and reluctant to expose their forces to what they consider to be unnecessary risks. As Graham Allison documented in his study of the 1962 Cuban missile crisis, military officials may oppose and even resist directives that threaten these traditional military concerns.[8]

The lessons of Cuba are sobering, but that crisis may nevertheless be an inappropriate guide to the future. It was the American military's first experience with civilian "micromanagement"; generals and admirals were predictably outraged. Today's military leaders, while still intent on maintaining service integrity and safeguarding their forces, also realize the dangers of nuclear war and often show greater recognition than civilian officials do of the extraordinary measures war avoidance requires. They are more willing than Admiral George Anderson and his contemporaries to run risks to preserve the peace. Many military men may be more committed to doing this than their civilian counterparts.[9]

The more serious civilian-military problem is the lack of insight and knowledge that each community has about the world view, objectives, and operational environment of the other. Military plans formulated in a political vacuum compounded by political ignorance of those plans and their requirements can contribute to loss of control and disaster in crisis. The mobilization and war plans of the great powers in 1914 remain the classic manifestation of this problem. These plans, the broad outlines of which were widely known or guessed at, constituted a major cause of prewar tension and then a principal impediment to attempts to resolve the July crisis.[10]

In the United States, civilian-military ignorance of each other's milieu and operating environment is most pronounced on the civilian side. With rare exceptions,

[7] Graham T. Allison, *Essence of Decision: Explaining the Cuban Missile Crisis* (Boston: Little, Brown, 1971), 127–131; Richard K. Betts, *Soldiers, Statesmen, and Cold Warriors* (Cambridge, Mass.: Harvard University Press, 1977), 12–15; Richard Ned Lebow, *Between Peace and War: The Nature of International Crisis* (Baltimore: Johns Hopkins University Press, 1981), 285–288.

[8] Allison, *Essence of Decision*, 127–131; Dan Caldwell, "A Research Note on the Quarantine of Cuba, October 1962," *International Studies Quarterly* 22 (December 1978): 625–653, argues convincingly that one of Allison's examples of insubordination, the American navy's alleged failure to implement the President's order to narrow the blockade radius, never occurred.

[9] Betts, *Soldiers, Statesmen, and Cold War Crises*, 14–15. Several years of working experience with the upper levels of the military in the late 1970s indicated to me that military caution for minimizing the risks of World War II is, if anything, more pronounced today than it was during the 1950s, 1960s, and early 1970s, the period covered by Bett's data.

[10] Luigi Albertini, *The Origins of the War of 1914*, trans. Isabella M. Massey, 3 vols. (New York: Oxford University Press, 1952), II: 479–485; and Jack S. Levy, "Organizatoinal Routines and the Causes of War," *International Studies Quarterly*, 30 (1986): 193–222, for a discussion of these plans and their effect on the crisis; Jack Snyder, *The Ideology of the Offensive: Military Decision Making and the Disasters of 1914* (Ithaca, N.Y.: Cornell University Press, 1984), explores the genesis of the mobilization plans; Lebow, *Nuclear Crisis Management*, chap. 4, looks at the effect that political ignorance of them had on the outcome of the crisis.

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elected and appointed officials have little or no knowledge of any of the details of crisis management, military alerts, or operations, or of the kinds of constraints that affect them. Top-ranking military leaders by contrast tend to know a lot more about the political side of crisis management. Most of them have attended war colleges where they have been exposed to the civilian point of view. They may also have hands-on experience with the problem in previous tours of duty that involved them in crisis planning or the actual management of the kind of low-level crises that have become fairly regular occurrences. Senior officials are nevertheless likely to be ignorant of the details of strategic alerts or other military measures about which they would be expected to give the president advice. In the Cuban crisis, the Joint Chiefs of Staff learned just how difficult it was to control all military activity with the aim of preventing any gratuitous provocations of the Soviet Union.[11] In the 1973 Middle East crisis, Henry Kissinger was "shocked" that the DEFCON (Defense Condition) 3 alert was immediately picked up and reported by the media.[12] The Joint Chiefs had assured him that the alert could be kept secret. Former Secretary of Defense Robert McNamara reports having had similar experiences. "In military operations," he insists, "you *must* recognize the importance of the unpredictable and the uncontrollable. I talked with Harold Brown [Carter's defense secretary] about this a couple of weeks ago, and he said 'You know, Bob, the first information I ever had in any situation was always wrong.' Just think about what that means when you're dealing with the SIOP!" The SIOP (Single Integrated Operational Plan) is a detailed list of targeting options on fighting a nuclear war against the Soviet Union.[13]

The field-grade officers and their civilian counterparts who design alerting procedures, (conventional and nuclear), devise SIOP options, and select the targets for them suffer from a different kind of myopia. They are ignorant of the broader political purposes that any of these military options would be expected to serve. General Richard H. Ellis, former director of the Joint Strategic Target Planning Staff, reports that the officers involved in updating the SIOP used to read speeches by the president and secretary of defense in the hope of finding some hints about what to do with their weapons.[14] Since 1974, the office of the secretary of defense has regularly provided guidance to targets, but all of the available evidence indi-

[11] Allison, *Essence of Decision*, 136–142; and Scott D. Sagan, "Nuclear Alerts and Crisis Management," *International Security* 9 (Spring 1985): 99–139, review these several incidents.

[12] Henry Kissinger, *Years of Upheaval* (Boston: Little, Brown, 1982), 591.

[13] Sagan, "Nuclear Alerts and Crisis Management," 128, note 84, based on interviews with officials who participated in the alert. Other officials, Sagan believes, probably knew otherwise but kept their mouths shut so that Kissinger would not lose any of his enthusiasm for the alert. Also, "Proceedings of the Hawk's Cay Conference on the Cuban Missile Crisis," Marathon, Fla., 5–8 March 1987 (typescript), 95.

[14] Richard H. Ellis, "Building a Plan for Peace: The Joint Strategic Planning Staff," (Offut Air Force Base, Nebraska: Joint Strategic Planning Staff, 1980), mimeo, 6–7.

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cates that alert procedures, crisis deployments, and SIOP options are still largely shaped by narrow technical criteria.[15]

The ignorance of top political and military leaders of the details of alerts and war plans, which themselves have been formulated in a political vacuum, does not bode well for crisis management. It courts loss of control in the form of runaway escalation or, failing that, puts leaders at the mercy of pre-planned options that probably bear no relationship to their political needs of the moment. The danger of the former is magnified by the inappropriate conceptions that have dominated American thinking about the crisis management since the Cuban missile crisis of 1962.

Top American political officials and their advisers give evidence of approaching crisis management in terms of a stereotyped understanding of the Cuban crisis. Like John F. Kennedy, they would aspire to make the Soviet Union back down by demonstrating their resolve to use force. This would be accomplished by means of visible military preparations coupled with verbal threats. American officials, military and civilian, also tend to think of crisis escalation as a series of discrete, controllable, and reversible steps up a clearly demarcated ladder. In practice, military alerts, the American currency of resolve, are by no means the surgically precise instruments they are envisaged to be. Experience indicates that they are complex and often unwieldly organizational routines that may have major unforeseen and undesired consequences.[16]

The most dangerous attribute of strategic alerts is that they can prompt adversaries to initiate military preparations of their own as a hedge against attack. The American strategic alerts of 1962 and 1973 did not provoke Soviet counteralerts. In 1962, the Soviets were at a severe strategic disadvantage and may have feared American preemption.[17] In 1973, a Soviet response was unnecessary because a cease-fire, the immediate Soviet objective in the crisis, was going into effect at the very time the United States went to Defense Condition 3. Both situations were atypical. Cuba occurred at a time when the United States had overwhelming strategic superiority and the Middle East crisis, as previously noted, was resolved simultaneously with the American alert. It would be a grave error to take Soviet restraint for granted in a future crisis on the basis of these two incidents.

[15] According to General William E. Odom, who helped to shape the Carter administration's nuclear policies, Presidential Directive 59 was inspired to a large degree by White House concern to gain more control over nuclear targeting policy. Quoted in Thomas Power, "Choosing a Strategy for World War III," *Atlantic,* November 1982, 82–110.

[16] Bracken, *The Command and Control of Nuclear Forces*, and Lebow, *Nuclear Crisis Management*, chap. 3, on the complexity and fragility of strategic alerts.

[17] On this subject, see Robert P. Berman and John C. Baker, *Soviet Strategic Forces: Requirements and Responses* (Washington, D.C.: Brookings Institution, 1982), 36–38, 86–89; Stephen M. Meyer, "Soviet Perspectives on the Paths to Nuclear War" in Graham T. Allison, Albert Carnesale, and Joseph S. Nye, Jr., eds., *Hawks, Doves, and Owls: An Agenda for Avoiding Nuclear War* (New York: Norton, 1985), 167–205.

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A superpower crisis that involved mutual strategic alerts would be very much more difficult to resolve than the ones in 1962 or 1973. Because there are no observable differences between military preparations initiated for defensive or offensive purposes, it would risk setting in motion a cycle of reaction and counter-reaction. Both sides could seek to protect themselves against preemption, conventional or nuclear, and thereby to reduce whatever incentive their adversary had to preempt. But military preparations of this kind would seriously aggravate any crisis by forcing alert levels on both sides to ratchet upwards on a worldwide basis. Soviet or American leaders, like the statesmen of 1914, could find themselves in the position of having endorsed policies that they believed entailed little risk of war only to find out later in the crisis that they had set in motion a chain of events that became increasingly difficult, if not impossible, to halt short of war. In a recent book I have described the process and mechanisms by which this could occur.[18]

Political ignorance of alerts and war plans also threatens to make political leaders captives of prepackaged military routines just as it did in 1914. Today there would be even less chance to circumvent these routines by improvisation, because time constraints would be measured in hours instead of days. On this point, General Thomas Power, former commander of the Strategic Air Command (SAC), is as adamant as German Field Marshal Helmuth von Moltke was before him. "You cannot coordinate a plan," he insists, "after you have been told to go to war. And there is one basic law you must follow. Do not change it at the last minute."[19]

To escape from the rigidity of war plans, Robert McNamara in 1961 ordered the development of a wide range of possible options. But two decades of SIOP revisions still confront policy makers with little more than a choice among a small number of possibilities. Robert McNamara recently revealed that former Secretary of State Henry Kissinger "once asked me how I could have served seven years as secretary of defense and left the SIOP in such an unusable form. I told him there wasn't much of anything anybody could do with it. Eight years later he had the grace to say that he agreed."[20] Greater political input has not resulted in war plans that political leaders would be likely to find any more helpful in a crisis. Henry Kissinger reported that his own doubts about the wisdom of war-fighting strategies, even limited ones, were confirmed in the aftermath of the Arab-Israeli war of 1973. He discovered that the most limited military action envisaged by Pentagon planners in response to a Soviet invasion of Iran entailed pummeling the Soviet Union and its armed forces with more than two hundred nuclear weapons. Kissinger's objection that this would provoke a full-scale nuclear war elicited an alternative suggestion from the Joint Chiefs that they use only two weapons. Kis-

[18] Lebow, *Nuclear Crisis Management*.

[19] Quoted in Fred Kaplan, *The Wizards of Armegeddon* (New York: Simon & Schuster, 1983), 298.

[20] For a description of these options, see Desmond Ball, *Targeting for Strategic Deterrence,* Adelphi Papers No. 185 (London: International Institute of Strategic Studies, 1983), McNamara quote from "Proceedings of the Hawk's Cay Conference," 95.

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singer found this unpalatable for the opposite reason.[21] The Reagan administration would probably be just as appalled as some of its predecessors by the inappropriateness of its military options, conventional and nuclear, if it made an effort to examine them.

The situation is if anything worse in the Soviet Union. Soviet specialists are in general agreement that Soviet consideration of crisis military options would take place in a setting heavily influenced by a military committed to a preemptive doctrine. Stephen Meyer warns: "The lack of alternative military-strategic advice implies that Soviet political leaders would be unprepared for policy innovation under stress and susceptible to professional military influence. These signs all point toward greater dependence on prior planning, with less ability or tendency to reach out for creative alternatives."[22]

Soviet conventional war plans could also confront Soviet political leaders with the awkward choice of doing too much or too little. In Europe, Soviet conventional forces are geared for an all-out offensive. Jack Snyder warns that this may pose the same problem for Soviet statesmen that the Schlieffen Plan did for Bernard von Bülow and Theobald von Bethmann-Hollweg: "Soviet leaders may be self-deterred by the all-or-nothing character of their military options. Alternatively, if the Soviets try to push ahead with a diplomacy based on the 'Bolshevik operational code' principles of controlled pressure, limited probes and controlled, calculated risks, they may find themselves trapped by military options that create risks that cannot be controlled."[23]

Clausewitz was well aware of the problem posed by the ignorance of civilian and political leaders of each other's perspectives and operating environments. His solution was the soldier-statesman who embodied in himself both perspectives and the necessary experience to go with them. Clausewitz recognized, however, that such individuals were rarely to be found. He therefore proposed the less satisfactory expedient of making the military commander-in-chief a member of the cabinet, "so that the cabinet can share in the major aspects of his activities."[24]

Cabinet involvement in the management of war was clearly meant to insure that policy would determine its character. But the commander-in-chief's inclusion in the cabinet was also designed to make his expertise available to the political leadership. Clausewitz recognized that policy ought to take the operational requirements of the military into account; political leaders must be made aware of the variety of constraints and uncertainties likely to affect military performance. Only then

[21] Kaplan, *Wizards of Amregeddon*, 370–371; John Edwards, *Super Weapon: The Making of the MX* (New York: Norton, 1982), 67–68.

[22] Stephen M. Meyer, "Soviet Perspectives on the Paths to Nuclear War" in Allison, Carnesale, and Nye, *Hawks, Doves, and Owls*, 201.

[23] Jack Snyder, "Civil-Military Relations and the Cult of the Offensive in 1914 and 1984," *International Security* 9 (Summer 1984): 144; for a more detailed critique of the Soviet offensive strategy, see Richard Ned Lebow, "The Soviet Offensive in Europe: The Schlieffen Plan Revisited," *International Security* 9 (Summer 1984): 44–78.

[24] Clausewitz, *On War*, 608–609.

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could policy be informed by the clashing but equally important perspectives of war in theory and war in the real world. Contemporary American notions of crisis management recognize the need for political goals to guide crisis policy. American leaders, however, remain largely oblivious to problems and dangers of military alerts and operations. This awareness is just as critical to crisis management as it is to war.

Loss of Control to Emotions

"Savage peoples," Clausewitz wrote, are ruled by passion and "civilized peoples" by the mind. The difference was due to their attendant circumstances and institutions. The Napoleonic Wars had demonstrated that under certain conditions, "Even the most civilized of peoples . . . can be fired with passionate hatred for each other." This happens, he argued, when important interests are at stake and when the ensuing conflict endures a long time.[25] Clausewitz took his contemporaries to task for ignoring the emotional dimension of war. Rid war of passion, he insisted, and states would not have to engage in combat. They could conduct "war by algebra"; paper comparisons of their strength and mobility could be used to determine a war's outcome and results.[26] Clausewitz's scorn was aimed at influential strategists like Henri Jomini, who attempted to reduce war to abstract formulae, ignoring entirely the crucial elements of emotions, human performance, and luck. No doubt, Clausewitz would be similarly unimpressed by so much of the contemporary strategic literature that also tries to predict complex human behavior as risk-taking propensity and resolve in terms of such modern day considerations as hard target kill capability, usable residual forces, and the like.

Clausewitz realized that emotions could affect the judgment of sophisticated political leaders and military men, as well as public opinion. Hostility, hatred, or the heady feeling of victory could lead them to lose sight of the political objectives of a war. When this happened, victory for its own sake became the objective, and "not until [the opponent] was prostrate was it considered possible to pause and try to reconcile the opposing interests."[27] There are numerous historical examples of the phenomenon Clausewitz describes. Cases in point are Bismarck's conflict with Moltke during the German wars of unification and the American decision in the summer of 1950 to invade North Korea.[28] The former was the result

[25] Ibid., 76.

[26] Ibid.

[27] Ibid., 593.

[28] On the Bismarck-Moltke feud and its consequences for German policy, see Gordon A. Craig, *The Politics of the Prussian Army, 1940–1945* (London: Oxford University Press, 1964), 180–216; Otto Pflanze, *Bismarck and the Development of Germany: The Period of Unification, 1815–71* (Princeton, N.J.: Princeton University Press, 1963). On Korea, see Tang Tsou, *America's Failure in China, 1941–1950* (Chicago: University of Chicago Press, 1963); Martin Lichterman, "To the Yalu and Back" in Harold Stein, ed., *American Civil-Military Decisions* (New York: Twentieth Century Fund, 1963); 569–642; Alexander L. George and Richard Smoke, *Deterrence in American Foreign Policy* (New York: Columbia University Press, 1974), 188–234; Lebow, *Between Peace and War*, 148–228.

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of generals carried away by the fruits of victory; the latter, the result of public and congressional pressures.

The Cuban missile crisis offers a good example of the influence of public emotions on crisis policy. Critics of Kennedy charge that he risked nuclear war merely to preserve his personal political position. The President's defenders do not deny the influence of domestic political considerations on his behavior but insist that this was merely one of the considerations compelling him to oppose, by force if necessary, Nikita Khrushchev's attempt to put missiles into Cuba.[29] First hand accounts make it apparent that Kennedy's own emotions were engaged from the outset. On 16 October 1962, when McGeorge Bundy, special assistant for National Security Affairs, informed him of the U-2 photographs that revealed the construction of Soviet missile sites, a furious President exclaimed: "He can't do that to *me*!" The President's gut reaction was to treat the missiles as a personal challenge involving personal costs to himself.[30]

Kennedy remained keenly aware of his broader domestic political problem throughout the crisis. As Theodore Sorensen, one of the President's most trusted political advisers, put it, Cuba was the "political Achilles heel" of the administration. The prior failure at the Bay of Pigs, followed by Kennedy's well-publicized pledges to keep Soviet missiles out of Cuba, compelled him to remove them by force or the threat of force, or risk electoral defeat if not impeachment.[31] At the height of the blockade, the President asked his brother why they were risking war with the Soviet Union. "I just don't think there was any choice," Robert Kennedy replied, "and not only that, if you hadn't you would have been impeached." "That's what I think," the senior Kennedy replied, "I would have been impeached."[32]

Once again, the Cuban missile crisis may not be the best indicator of future crisis realities. In 1973, the next occasion U.S. strategic forces were put on alert, the public reaction was quite different. The response was mixed, with many congressmen and media representatives questioning whether an alert was really necessary. One segment of opinion, by no means insignificant, held that Richard Nixon and Henry Kissinger had irresponsibly raised the risk of war in order to deflect attention from Watergate.[33] Much of this opposition was attributable to the public's loss of faith in the Nixon administration, but it also reflected greater public awareness than in 1963 of the likely consequences of a nuclear war.

[29] Ronald Steel, "The Kennedys and the Missile Crisis," *New York Review of Books*, 13 March 1969, 15–22, argues that Kennedy was willing to risk nuclear war with the Soviet Union solely to safeguard his prospects for reelection. Roger Hilsman disagrees, "An Exchange on the Missile Crisis," *New York Review of Books*, 9 May 1969, 37–38; Allison, *Essence of Decision*, 187–200, takes a position between these two. He describes domestic considerations as one of several concerns behind Kennedy's decision to force a confrontation over the missiles.

[30] Richard Neustadt, "Afterword: 1964" in *Presidential Power* (New York: Mentor, 1964), 187.

[31] Theodore Sorensen, *Kennedy* (New York: Harper & Row, 1965), 675.

[32] Robert F. Kennedy, *Thirteen Days: A Memoir of the Cuban Missile Crisis* (New York: Norton, 1969), 67.

[33] Criticism of this kind surfaced at Kissinger's first post-alert press conference. See Kissinger, *Years of Upheaval*, 596.

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Today's public is even less likely to push a president in the direction of war with the Soviet Union or to support him so wholeheartedly in a war-threatening confrontation. The American people have not become any more enamored of the Russians, but they have become considerably more fearful of nuclear war.[34] It is revealing in this regard to go back and look at the newspaper and television coverage of the missile crisis. To be sure, there were critics of the President who feared that his actions could provoke a nuclear war, but most editorials, columns, and "man on the street" interviews, revealed unwavering support for American policy. Nobody expressed a desire for war, but the majority of Americans seemed resigned to the prospect if push came to shove. I find it difficult to envisage any circumstance today in which a presidential challenge of the Soviet Union would receive as much unqualified support. Public opinion, I suspect, would be pulling the president back, not pushing him forward.

Cuba is nevertheless illustrative of the kind of process that can provoke a serious superpower confrontation. Kennedy was willing to risk war in Cuba—at the height of the crisis, he estimated the chances for war to be one out of three—because he felt backed into a corner by Khrushchev.[35] In addition to the domestic political pressures, the President feared that acquiesence to the missiles or entering into a diplomatic deal to secure their withdrawal would destroy his bargaining reputation and encourage subsequent Soviet challenges to important American commitments elsewhere in the world.[36]

Khrushchev, for his part, may also have felt at the time that he had no choice but to introduce missiles into Cuba. The most widely accepted interpretation of his action is that it was a response to the immediate need to provide the Soviet Union with a second-strike capability. This had been made urgent by Kennedy's alerting the Soviets to the fact that the United States knew of the failure of their first generation ICBM and as a result of their strategic vulnerability.[37] Kennedy's

[34] For articles citing public opinion surveys on this subject see, S. T. Fiske, F. Pratto, and M. A. Pavelchak, "Citizen's Images of Nuclear War: Content and Consequences," *Journal of Social Issues* 39 (1983): 41-65; B. M. Kramer, S. M. Kalick, and T. A. Milburn, "Attitudes Toward Nuclear Weapons and Nuclear War: 1945-1982," *Journal of Social Issues* 39 (1983): 7-24; William Schneider, "Peace and Strength: American Public Opinion on National Security" in Gregory Flynn and Hans Rattinger, eds., *The Public and Atlantic Defense* (London: Croom-Helm, 1985), 321-364.

[35] Sorensen, *Kennedy*, 705.

[36] Ibid., 677; Jerome H. Kahan and Anne K. Long, "The Cuban Missile Crisis: A Study of Its Strategic Context," *Political Science Quarterly* 87 (December 1972): 570-574, provide an excellent summary of the different costs that different American officials believed the United States would incur if it failed to compel Khrushchev to remove his missiles. Richard Ned Lebow, "The Cuban Missile Crisis: Reading the Lessons Correctly," *Political Science Quarterly* 98 (Fall 1983): 431-58, reviews and critiques Kennedy's concern with his and the United States's bargaining reputation.

[37] On this hypothesis, see Arnold Horelick and Myron Rush, *Strategic Power and Soviet Foreign Policy* (Chicago: University of Chicago Press, 1966), 141; Roger Hilsman, *To Move a Nation* (Garden City, N.Y.: Doubleday, 1967), 200-202; Michel Tatu, *Power in the Kremlin: From Khrushchev to Kosygin* (London: Collins, 1968), 231; Elie Abel, *The Missile Crisis* (Philadelphia: Lippincott, 1966), 28: Allison, *Essence of Decision*, 52-56; Kahan and Long, "The Cuban Missile Crisis," 564-590; Lebow, *Between Peace and War*, 64-66. Reinforcing domestic incentives are noted by Allison, *Essence of De-*

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initiative had in turn been prompted by his perceived need to do something to moderate Khrushchev's bellicosity, alarmingly manifest in his several Berlin ultimata.[38]

If the above analysis is correct, its implications are disturbing. It indicates that a series of avowedly defensive moves had the effect of triggering the most serious superpower confrontation to date. They did so because leaders on both sides had no real grasp of the pressures and constraints acting on their adversary. Unintentionally, they provoked the very behavior they were trying to prevent.[39] Such a chain of events could certainly happen again. In the twenty-five years since Cuba, the superpowers give evidence of having developed greater sensitivity to each other's vital interests; this is certainly one reason why we have not had a second crisis of the magnitude of Cuba. However, superpower leaders seem no more able than Kennedy and Khrushchev to see the world through the eyes of their adversary. The Carter administration's reaction to Afghanistan and the Reagan administration's response to the shooting down of Korean Airlines flight 007 give vivid testimony to this continuing inability to empathize.[40] Soviet and American leaders also appear to be just as ignorant of the internal processes, pressures, and constraints that affect, or sometimes even dictate their adversary's foreign policy. Herein lie the root causes of another confrontation.

As Clausewitz observed, anger and hostility can also affect the performance of political and military leaders in crisis. In Cuba, Kennedy and Khrushchev appear to have done a good job of keeping their anger under control, although Khrushchev's first cable revealed him to be in a highly charged state. After the Soviet intervention in Afghanistan, Carter, by contrast, not only gave vent to his anger but allowed it to shape his policy.[41] Fortunately, the crisis was not of the magni-

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cision, 237–244; Horelick and Rush, *Strategic Power*, 141; Lebow, *Between Peace and War*, 80–82; Arthur M. Schlesinger, Jr., *A Thousand Days* (Boston: Houghton Mifflin, 1965), 18.

[38] Hilsman, *To Move a Nation*, 163–164.

[39] This theme is explored at greater length in Richard Ned Lebow and Janice Gross Stein, "Beyond Deterrence: Alternative Approaches to Conflict Management," *Journal of Social Issues* 41 (1987): 5–71.

[40] For a discussion of just how difficult it was for American leaders to fathom the pressures on Moscow to interview in Afghanistan and some of the reason why this was so, see Richard Ned Lebow, Janice Gross Stein, and David S. Cohen, "Cognitive Versus Motivational Models of Attitude Change: The Carter Administration's Reaction to Afghanistan," forthcoming. In his conclusion to *The Target Is Destroyed: What Really Happened to Flight 007 and What America Knew About It* (New York: Random House, 1986), 249–50, Seymour M. Hersh writes that "George Schultz, William Casey, and Ronald Reagan had initially rushed to judgment over Flight 007 in what amounted to good faith—their strong hostility to Communism had led them to misread the intelligence and then, much more ominously, to look the other way when better information became available. Those who ran the American government did not want to learn that the Soviets had honestly been confused and panic-stricken about the enemy intruder, and so they continued to believe what they wanted."

[41] Rosalyn Carter, *First Lady from Plains* (New York: Fawcett, 1984), 298, recalled that "I've never seen Jimmy more upset than he was the afternoon the Russian invasion was confirmed." According to Raymond L. Garthoff, *Détente and Confrontation: American-Soviet Relations from Nixon to Reagan* (Washington, D.C.: Brookings Institution, 1985), 949, who interviewed people in direct contact with Carter at the time, the President "was almost apoplectic in his reaction" to the Soviet justification

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tude of Cuba; by all accounts the risk of a Soviet-American military encounter was quite remote. Perhaps in more serious circumstances Carter would have behaved differently.

The danger also exists that subordinates will try to escalate a crisis, not because of their political differences with the president, but out of hostility to the adversary. Hotheads could be a real impediment to presidential control over policy, especially in the military, where the consequences of irresponsible behavior can be enormous. This problem did not arise during the Cuban crisis; Kennedy and McNamara's problems with the military had quite different causes. Anger, however, is reported to have affected the judgment of some American officers in September 1983, when a Korean Airlines 747 jetliner was downed by a Soviet interceptor. The belief was widespread throughout the military that the Soviets had shot down an unarmed passenger plane in cold blood. With few exceptions, the military and intelligence officials who knew that an American intelligence plane had also been in the sky that night took it for granted that a Soviet pilot could not have mistaken a larger 747 with its distinct silhouette for the smaller RC-135 reconnaissance plane. In the Pacific, senior navy and air force officers are said to have become irate after reading the cable summaries provided by the National Security Agency. They "got emotional," one intelligence officer recalls, and began making plans for retaliation "that could have started World War III." An air force general, the same officer relates, asked him to forward a fraudulent intelligence report to the Pentagon that could be used to justify retaliation against the Soviet Union. The general "wanted me to corrupt intelligence," but "I told him to go to hell."[42]

Shortly after learning of the shootdown, the air force dispatched six F-15 fighters and an AWACs surveillance aircraft to Misawa Air Base, 360 miles north of Tokyo. This force was ordered to loiter near the island of Sakhalin, occupied by the Soviet Union at the end of World War II and ever since a bone of contention between Japan and the Soviet Union. Someone at Misawa hoped to provoke an incident. The F-15 pilots, one officer reported, were instructed "to take advantage of the situation" if they were challenged by Soviet interceptors. When alerted to the situation, Fifth Air Force headquarters in Tokyo promptly issued countermanding orders in the hope of preventing an incident. Their intervention was timely because the Soviets, angered by what they initially believed to have been a deliberate American violation of their borders, had intensified air and sea activity throughout the Far East, including in and around Sakhalin. A confrontation could easily have developed.[43]

Anger of the kind that developed in the aftermath of the shooting down of KAL 007 requires an incident that in fact or by virtue of misinterpretation makes the

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of their intervention; Lebow, Stein, and Cohen, "Cognitive Versus Motivational Models of Attitudinal Change," explore the effect of Carter's anger on his policy.

[42] Reported in Hersh, *The Target is Destroyed*, 74.

[43] Ibid.

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other side appear blood-thirsty and utterly callous. In this instance, it was the combined result of the ineptitude, which led Soviet air defense to mistake the airliner for an American intelligence plane, and U.S. willingness to believe the worst about their adversary, even after better information became available. The U.S. response in turn infuriated the Soviets, who were convinced that the Reagan administration knew all along that it was a case of mistaken identity but accused the Soviets of deliberate slaughter in order to reap propaganda rewards.

While the KAL 007 episode was idiosyncratic, its structural causes were not. The concatenation of technical, institutional, and political factors that were responsible for this escalating spiral of Soviet and American misjudgments and tensions could occur again and in a more dangerous setting. Responses based on anger could constitute a serious impediment to the resolution of such a confrontation.

Political Sabotage

Sabotage is different from our previous categories of loss of control because of the nature of the motivation involved. To be sure, emotions may be engaged and institutional perspectives may play a part, but political sabotage is the result of avowed and pronounced political differences between subordinates and the national command authority. These differences may encourage subordinates to disregard orders or to attempt to change crisis policy by unauthorized initiatives of their own. Behavior of this kind was an important contributing cause of the outbreak of war in 1914. In at least two countries, Germany and France, strategically placed subordinates pushed their respective allies into more confrontatory policies. German Chief of Staff Helmuth von Moltke played a particularly active and independent role throughout the crisis. His goal, from which he never wavered, was to goad Austria into declaring war on Serbia. With this end in mind he secretly assured his Austrian counterpart of German support against Russia if Austria came to the aid of Serbia. On the night of 29–30 July, when German Chancellor Bethmann-Hollweg urged caution on Vienna in response to his belated realization that Austrian truculence would probably provoke a European war, Moltke sent his own telegram countermanding the chancellor's request. His intervention was probably instrumental in forestalling Austrian reconsideration of its policy.[44]

Maurice Paléologue, the French minister in St. Petersburg, played a similar role on the Entente side. At the very outset of the crisis, he committed France to Russia's support without any instructions from Paris to do so. He then deliberately misled the French foreign office about the gravity of the crisis by minimizing the likelihood of Russian military action in his dispatches. Secure in the knowledge of French

[44] Franz Conrad von Hoetzendorff, *Aus Meiner Dienstzeit*, 5 vols. (Vienna: Rikola, 1921–25), IV: 152; Albertini, *The Origins of the War of 1914*, II: 496–497, 673–677, and III: 6–14; Gerhard Ritter, *Sword and Scepter: The Problem of Militarism in Germany*, 4 vols., trans. Heinz Norden (Coral Gables, Fla.: University of Miami Press, 1970), II: 239–263.

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backing, Russian leaders moved toward mobilization. By their own admission, they would not have done this in the absence of French support.[45]

Serious political loss of control of the kind that occurred in 1914 seems an unlikely possibility in a future superpower crisis. There are a number of reasons for this. Instantaneous and redundant communication links between capitals deprive diplomats of the independence they once exercised. Washington and Moscow have also implemented a variety of measures to safeguard against the unauthorized use of nuclear weapons. Beyond this, the sheer destructiveness of nuclear war gives it few if any partisans among even the most hawkish elements of either superpower's leadership. However, the possibility of war arising from the willful and unauthorized actions of subordinates cannot entirely be discounted.

The history of post-World War II American civil-military relations offers several examples of flag officers pursuing policies that were dramatically at variance with presidential directives. The most notorious offender was Douglas MacArthur, who made political statements contradicting official policy and conducted military operations in direct violation of his orders from the Joint Chiefs of Staff. MacArthur's actions are believed to have intensified Peking's perception of threat and thus may have been an important contributing cause of Chinese entry into the Korean War.[46]

Curtis LeMay was another notoriously independent general. In the 1950s, he appeared confident that he would not only decide how America would fight a nuclear war but when it would do so.[47] Under LeMay's guidance, the Strategic Air Command prepared to launch a preemptive strike whenever war with the Soviet Union seemed unavoidable. Many SAC officers were dismayed when the Kennedy administration failed to exploit the opportunity provided by the Cuban missile crisis to carry out such an attack. Shortly after the Soviet capitulation, SAC Commander Thomas S. Power delivered a tirade to a shocked RAND audience about Kennedy's cowardice and his failure to exploit the situation in order to destroy the Soviet Union.[48]

[45] Albertini, *The Origins of the War of 1914*, II: 181–216, 290–328, 528–631; L. C. F. Turner, "The Russian Mobilization in 1914," *Journal of Contemporary History* 3 (January 1968): 65–88.

[46] John Spanier, *The Truman-MacArthur Controversy and the Korean War*, rev. ed. (New York: Norton, 1965); Allen S. Whiting, *China Crosses the Yalu: The Decision to Enter the Korean War* (New York: Macmillan, 1960), 169–171; Tsou, *America's Failure in China*, 576–580; Lebow, *Between Peace and War*, 148–228.

[47] David A. Rosenberg, "A Smoking Radiating Ruin at the End of Two Hours: Documents on American Plans for Nuclear War with the Soviet Union, 1954–55," *International Security* 6 (Winter 1980–81): 3–38, describes a top secret briefing in 1954 in which LeMay, told by a member of the Gaither Committee that a preemptive attack was not national policy, replied: "I don't care. It's my policy. That's what I'm going to do." Fred Kaplan, *The Wizards of Armageddon* (New York: Simon & Schuster, 1983), 132–134, offers additional evidence about this encounter from the papers of General A. J. Goodpaster. Other examples of LeMay's political independence are cited by Gregg Herken, *Counsels of War* (New York: Knopf, 1985), 96–98.

[48] Interviews with former Rand analysts. Herken, *Counsels of War*, 168 and 364, citing videotape interviews conducted by the Alfred Sloan Foundation with participants in the Cuban missile crisis,

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The possibility of a serious political-military confrontation in a nuclear crisis is not altogether far-fetched. Imagine a situation in which generals on one side or the other become convinced that they are about to be attacked or are already under attack but cannot persuade a cautious and unconvinced premier or president to respond. In the case of the United States, it would be possible for one of the unified or specified commanders to order retaliation in the absence of presidential authorization if the crisis had been judged serious enough to disseminate knowledge of the "go code" part way down the military chain-of-command as a means of guaranteeing retaliation in the aftermath of a decapitating attack.[49] One or more military leaders might be tempted to do this if they believed that the fate of their nation hung in the balance. This is the stuff that movies are made of; just imagine George C. Scott as the SAC commander strutting across the floor of the White House situation room, pleading unsuccessfully with the president to send out the "Go Code." As a good film would make apparent, the proclivity of a commander to take matters into his own hands would depend at least as much on his personality as it would upon the situation. Governments cannot protect themselves against this danger by technical means alone; they must rely on institutional safeguards that minimize the likelihood of a Curtis LeMay or Douglas MacArthur rising to a sensitive position of authority.

The United States is probably more vulnerable than the Soviet Union to the man on horseback because of the nature of the democratic political process. Ambitious generals have from time to time been able to build up enough of an independent power base to make presidents cautious of challenging them. Military heroes in the Soviet Union have much less leeway for exercising authority. Soviet political authorities, probably because of their fear of military insubordination, have always gone to greater lengths to control the military more carefully at every level of command. Their efforts seem to have been successful; slavish obedience to civilian authority has been the rule even in circumstances where it was seen by generals as certain to lead to disaster.[50]

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reports that LeMay was also unhappy with the Kennedy administration's handling of crisis. He is alleged to have complained that only unnecessary presidential caution had prevented the air force from proceeding with the airstrikes against Cuba *after* the Soviets had capitulated.

[49] Raymond Tate, "Worldwide C³I and Telecommunications" in *Seminar on Command, Control, Communications, and Intelligence* (Cambridge, Mass.: Program on Information Resources Policy, Harvard University, 1980), 43; see Bracken, *Command and Control of Nuclear Forces*, 165–169, 199–200, for a general discussion of delegation of launch authority.

[50] Timothy J. Colton, *Commissars, Commanders, and Civilian Authority: The Structure of Soviet Military Politics* (Cambridge, Mass.: Harvard University Press, 1979). A more traditional interpretation portrays civil-military relations as conflict prone but the party as successful in suppressing such conflict. See, for example, Thomas W. Wolfe, "The Military" in Allan Kassof, ed., *Prospects for Soviet Society* (New York: Praeger, 1968), 112–142; Robert Conquest, *Power and Policy in the USSR* (New York: St. Martin's Press, 1961), 330; Roman Kolkowicz, *The Soviet Military and the Communist Party* (Princeton, N.J.: Princeton University Press, 1967).

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A more likely scenario than military insubordination is the abrogation of presidential authority at the height of a crisis by a cabinet member or civilian adviser. Henry Kissinger's behavior during the 1973 Middle East war gives striking testimony to the extent to which a clever and powerful subordinate can independently shape policy and take it in directions contrary to presidential instructions. The effect, moreover, of Kissinger's independent initiatives was profound; they provoked what was probably an avoidable crisis with the Soviet Union and then needlessly transformed that crisis into the most serious superpower confrontation of the decade.

Kissinger acted without presidential authorization or in direct contradiction to it on at least four separate occasions during the crisis. The first occasion was with regard to the military resupply of Israel. Kissinger, along with many other administration officials, had been incredulous at first of Israeli reports of their combat losses. They suspected Israel of deliberately exaggerating its military needs in order to extract more aid than it would otherwise receive. When the extent of Israel's setbacks on the ground and in the air were belatedly recognized, and with it Israeli leaders' growing sense of desperation, Kissinger still dragged his feet. He did so even after the Soviet Union had commenced a major resupply by air and ship of Syria and Egypt on 10 October.[51]

Kissinger and Nixon had propagated the myth that Kissinger favored the massive resupply of Israel, but that this was blocked by Defense Secretary James Schlesinger and his department, who were responsible for all kinds of unnecessary delays. Their footdragging was allegedly overcome only when Kissinger went to Nixon and urged him to order an airlift.[52] In reality, it was Kissinger who was responsible for the dilatory response to Israel's increasingly desperate requests for military aid.[53] His motive for doing so was to prevent Israel from winning an over-

[51] Kissinger, *Years of Upheaval*, 478–479, 488, admits that prior conceptions of Israeli military prowess led him and other American officials to discount at first Israeli reports of their reverses and then to exaggerate the success of the first Israeli counter-offensives. On American monitoring of Soviet resupply of Egypt and Syria see page 497.

[52] The Kissinger version of the story was first told by Marvin Kalb and Bernard Kalb, *Kissinger* (New York: Dell, 1974), 525–540, and then by Kissinger himself in *Years of Upheaval*, 494–496, 501–502, 512–515. See also, Richard Nixon, *RN: The Memoirs of Richard Nixon* (New York: Grosset and Dunlap, 1978), 924–27; Ted Szulc, *The Illusion of Peace: Foreign Policy in the Nixon Years* (New York: Viking, 1978), 737–739, who reports that Kissinger told Israeli ambassador Simcha Dinitz that he was putting pressure on Schlesinger to facilitate Israel's requests.

[53] See, Edward Luttwak and Walter Laqueur, "Kissinger and the Yom Kippur War," *Commentary* 58 (September, 1974): 33–40, who charge that Kissinger, not Schlesinger, was responsible for the delay. According to Elmo R. Zumwalt, Jr., *On Watch: A Memoir* (Chicago: Quadrangle, 1976), 433–435, "It was Henry himself who stalled the airlift." Zumwalt says that he reported this at the time to Senator Henry Jackson. Matti Golan, *The Secret Conversations of Henry Kissinger: Step-by-Step Diplomacy in the Middle East* (Chicago: Quadrangle, 1976), 45–61, who made use of classified Israeli documents, insists that Kissinger kept Israel on a short leash in order to gain leverage of Israeli and American Jewish organizations. Nadav Safran, *Israel the Embattled Ally* (Cambridge, Mass.: Harvard University Press, 1978), 481–483, also takes the position that Kissinger was at fault. So does Szulc, *Illusion of Peace,* 735–736, who based his conclusion on interviews with Nixon administration officials.

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whelming victory, an outcome that would minimize American influence in Jerusalem, provoke the Soviet Union and the oil producing Arab states, and do nothing to wean Egypt away from Moscow.[54]

Kissinger continued to drag his feet on resupply until 12 October, when an exasperated Ambassador Simcha Dinitz warned him that Israel was prepared to reassess its relationship with the United States and take extreme measures in its defense. The next day, Nixon summoned the National Security Council and ordered the use of American cargo planes to ferry supplies to Israel. By dawn of 14 October, a massive airlift was underway, but not without a final attempt by Kissinger to strangle it. Tad Szulc reports that Kissinger insisted, without success, on an "absurd and time-wasting condition." American planes were to fly only as far as Lajes Air Force Base on Terceira Island in the Azores where their cargo was to be transferred to a commercial airfield on Santa Maria Island and then offloaded on to El Al 707s.[55]

The airlift did not come a moment too soon. Israel's civilian and military leaders were in a mood of mounting despair. Having sustained large casualties, lost a high percentage of their combat aircraft and tanks, and desperately low in critical military stocks, they were prepared to consider extreme measures.[56] Kissinger pushed Israel to the wall because he greatly underestimated the magnitude of Israel's military setbacks and their psychological effect upon Israel's leaders. His policy was a dangerous one under any circumstances, because it is very difficult to know just how much bruising is necessary to make one's ally compliant but not desperate. Kissinger's miscalculation came close to having tragic consequences for Israel, the Middle East, and international relations in general. Fortunately, Nixon threw his weight behind the airlift, which together with subsequent Israeli battlefield successes brought about a reversal of the military situation.

Kissinger's second independent initiative involved an unambiguous violation of presidential orders. On 20 October, at Leonid Brezhnev's request and with Nixon's approval, Kissinger flew to Moscow to negotiate a cease-fire. En route he learned that Nixon had written a letter to Brezhnev informing him that Kissinger was being granted "full authority" and that any commitments he made would have "my complete support." Kissinger was "horrified," because such a grant of authority deprived

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Raymond L. Garthoff, *Détente and Confrontation*, 369–370, reports both sides of this "unseemly squabble" without taking a position.

[54] Kissinger, *Years of Upheaval*,, 468, 470, 471, 476, 487, and 493 is quite blunt about his reasons for not wanting to become too closely tied to the Israelis.

[55] Dinitz is reported to have told Kissinger: "If a massive airlift to Israel does not start immediately, then I will know that the United States is reneging on its promises and policies, and we will have to draw very serious conclusions from all this." Safran, *Israel*, 483, 489; Kissinger, *Years of Upheaval*, 513–515, on Nixon's decision at what he refers to as a Washington Special Action Group (WSAG) meeting; Szulc, *The Illusion of Peace*, 737, on Kissinger's attempt to make the airlift unworkable.

[56] *Time*, 12 April 1976, 39–40; Safran, *Israel*, 483–489, report that Israel prepared its nuclear option at this time but these unsubstantiated and undocumented reports seem very dubious.

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him of his opportunity to stall a cease-fire until Israel won back the territory captured by Egypt.[57]

In Moscow, Kissinger was handed a copy of the Nixon letter, which distressed him further because it implied that he was not only to negotiate a cease-fire but work toward a comprehensive peace settlement. This fundamental change in approach was confirmed in instructions from Nixon that arrived the next day. Nixon's policy was contrary to Kissinger's goal of excluding the Russians from the Middle East. According to Kissinger:

> American strategy so far had been to *separate* the cease-fire from a postwar political settlement and to reduce the Soviet role in the negotiations that would follow the cease-fire. What Nixon seemed to envisage now would involve us in an extensive negotiation whose results we would then have to impose on Israel as the last act of a war fought on the Arab side with Soviet weapons. Moscow would receive credit with the Arabs for having forced us into a course we had heretofore avoided. Our leverage on the Arab side would disappear.[58]

Kissinger telephoned Alexander Haig in the White House to express his "extreme displeasure" with his instructions. Haig was unsympathetic. "Will you get off my back?," he told Kissinger, "I have troubles of my own." It was then that Kissinger learned of the Saturday Night Massacre, in which Nixon fired Archibald Cox as special Watergate prosecutor. Unable to reverse his instructions, Kissinger decided to ignore them. "I adhered rigidly," he confides in his memoirs, "to the earlier, more restricted plan approved by Nixon before my departure."[59]

Soon afterwards, in response to a request from Golda Meir, Nixon ordered Kissinger to fly to Jerusalem to confer with Israeli leaders before returning home. He arrived on 22 October and met with Prime Minister Meir and her cabinet. Not having received any military updates in Moscow, he was surprised to learn just how close Israeli forces were to achieving a stunning victory; he was told that it would take seven days to encircle the Egyptian Second and Third Armies along the Suez Canal, but only three to destroy them from the air. Kissinger suddenly realized why Brezhnev had been so accommodating to all of his conditions and in such haste to arrange a cease-fire.[60]

Kissinger now deviated once again from his instructions. Without any authorization from the White House he tacitly encouraged the Israeli cabinet to postpone implementation of the cease-fire that he had just negotiated. Upon learning how

[57] Kissinger, *Years of Upheaval*, 539–548, who notes that it was by no means unusual for Nixon to bombard him with messages and instructions while on route to negotiations "partly to calm his nerves, partly to show that he was in charge."

[58] Ibid., 547–551.

[59] Ibid., 552. Garthoff, *Détente and Confrontation*, 371, observes that this was not the first time that Kissinger, while on a mission to Moscow, ignored the President's orders.

[60] Ibid., 559–567, for Kissinger's version of his talks with Israeli leaders; and Moshe Dayan, *The Story of My Life* (New York: William Morrow, 1976), 443–444; and Golan, *Secret Conversations*, 82–87, for Israeli accounts.

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little time the Israelis needed to finish off the Egyptians, he is reported to have exclaimed: "Two or three days? That's all? Well, in Vietnam the cease-fire didn't go into effect at the exact time that was agreed on."[61] As the Israelis had already expressed indignation at the timing of the cease-fire, which would deny them their hard-won victory, Kissinger's comment could only be construed as the green light for a final offensive. Nadav Safran comments:

> The Israelis, who had launched and concluded the entire Syrian campaign in 1967 after the appointed cease-fire time, hardly needed to be instructed about the time difference between agreement and application; consequently, the secretary's remark in their presence and in that context could only be taken by them as an invitation to disregard the cease-fire and go on to try to destroy the Egyptian forces.[62]

Kissinger's motives for encouraging the Israelis to ignore the cease-fire are not altogether clear; it seems contrary to his earlier objective of leaving them vulnerable at the end of the fighting. Whatever the reason, the consequences of his action were undeniably grave.[63] The Soviets, who carefully monitored Israeli military progress, were infuriated. Brezhnev, in a note to Kissinger, called the continuing Israeli offensive "unacceptable" and a "flagrant deceit."[64] Realizing that his policy was threatening to unravel, Kissinger began to put the screws on Israel. He summoned Dinitz and told him that American aid would be cut off if Israel was responsible for more fighting. Together with the Soviet Union, he cosponsored a cease-fire resolution in the United Nations.[65]

Hours after the cease-fire took effect on 24 October, renewed fighting broke out and the Israelis mounted another offensive aimed at severing the Third Army's lifeline to Egypt proper. Kissinger admitted to a "sinking feeling" upon learning the news. He made a renewed effort to coerce Israel into implementing the cease-fire and attempted to mend his fences with the Soviets. A flurry of cables and

[61] Kissinger, *Years of Upheaval*, 569, claims that he only said that "I would understand if there was a few hours' "slippage" in the cease-fire deadline while I was flying home. . . ." This seems an attempt to explain away his responsibility for the failure of the first cease-fire. The furthest Kissinger is prepared to go in this regard is the suggestion that he may have inadvertently encouraged the Israelis to ignore the cease-fire deadline: "I also had a sinking feeling," he writes, "that I might have emboldened them. . . ." This is a remarkable admission, but Israeli sources, Golan, *Secret Conversations*, 86–87, and Safran, *Israel*, 492, indicate that Kissinger was much more direct in his encouragement to them and implied that he was prepared to accept "slippage" of days, not hours. Garthoff, *Détente and Confrontation*, 372, also gives credence to the Israeli version of the conversation.

[62] Safran, *Israel*, 492.

[63] Ibid., offers four possible explanations for Kissinger's behavior, three of which seem highly plausible: first, and to me the least likely, was a desire to please the Israelis; second, was his belief that he did not get as good a deal as possible from Brezhnev and could now "replay his hand"; third, was to improve his position with the Arabs by stopping the Israeli advance a second time and this time doing so independently of the Soviets; and fourth, the need to reestablish his credibility with the Israelis by showing that he was "with them."

[64] Kissinger, *Years of Upheaval*, 570–572.

[65] Ibid., 571–575; Nixon, *RN*, 938, reports having received two messages in quick succession from Brezhnev separate from the one sent to Kissinger.

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telephone calls went to Jerusalem, Moscow, and also Cairo in a frantic effort to head off a Soviet-American confrontation. But Anwar Sadat announced that he would call upon the Security Council to send Soviet and American forces to the Middle East to implement the cease-fire. That evening, the famous letter from Brezhnev arrived at the White House with its veiled threat of unilateral Soviet military action unless the United States cooperated in enforcing the Security Council cease-fire resolution.[66]

Brezhnev's "ultimatum," as Kissinger called it, was an indication of Moscow's frustration with the course of Middle Eastern events. Egypt and Syria, two Soviet clients, had been defeated by Israel, whose forces now threatened to envelop key Egyptian armies and open the way to a possible advance on Cairo. If Israeli military progress was unchecked, Sadat and Egypt would be humiliated and the value of Soviet backing would be greatly devalued throughout the Third World. The threat of unilateral intervention was designed to save the Egyptian Third Army by goading Washington into taking whatever measures were necessary to restrain Israel. By this means, the Soviet Union sought to salvage some of its lost prestige in the Arab world.[67] Brezhnev's letter also reflected exasperation with Henry Kissinger; cease-fires negotiated with the American secretary of state had not been implemented or had quickly broken down as Israel pushed ahead with its offensive. The Soviets were likely to conclude that Israel would only do this with American approval. Upon learning that the Israelis had surrounded the Third Army after the cease-fire deadline, Kissinger himself is reported to have exclaimed: "My God, the Russians will think I double-crossed them. And in their shoes, who wouldn't."[68] Brezhnev's letter indicated that the Russians did indeed take this possibility quite seriously. Nixon reports that Brezhnev "curtly implied that we might even have colluded in Israel's action." Perhaps the Soviets would have been more restrained if they had not suspected Kissinger of double dealing.[69]

[66] Ibid., 575–584, detailing the events and diplomacy leading up to Brezhnev's letter.

[67] On Soviet policy during the war and the background to Brezhnev's letter, see Garthoff, *Détente and Confrontation*, 360–385; Paul Jabber and Roman Kolkowicz, "The Arab-Israeli Wars of 1967 and 1973" in Stephen S. Kaplan, *Diplomacy of Power: Soviet Armed Forces as a Political Instrument* (Washington, D.C.: Brookings Institution, 1981), 438–467; Galia Golan, *Yom Kippur and After: The Soviet Union and the Middle East Crisis* (New York: Cambridge University Press, 1977); William B. Quandt, "Soviet Policy in the October Middle East War," 2 parts, *International Affairs* 53 (July 1977): 377–389, and (October 1977): 587–603; Karen Dawisha, "Soviet Decision-Making in the Middle East: The 1973 October War and the 1980 Gulf War," *International Affairs* 57 (Winter 1980–81): 43–59; Bruce D. Porter, *The USSR in Third World Conflict: Soviet Arms and Diplomacy in Local Wars, 1945–1980* (New York: Cambridge University Press, 1984), 113–146.

[68] The London Sunday Times Insight Team, *The Yom Kippur War* (Garden City, N.Y.: Doubleday, 1974), 399.

[69] Nixon, *RN*, II, 495; Garthoff, *Détente and Confrontation*, 374, also mentions Soviet suspicions of Kissinger and cites Ye. M. Primakov, *Anatomiya blizhnevostochnogo konflikta* [The Anatomy of the Near East Conflict] (Moscow: Nauka, 1978), 173, who charges that Kissinger urged the Israelis to continue their advance. Barry M. Blechman and Douglas Hart, "The Political Utility of Nuclear Weapons: The 1973 Middle East Crisis," *International Security* 7 (Summer 1982): 136, go further than Garthoff and argue that the "feeling of betrayal seems to have been central in determining Moscow's subsequent behavior."

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Kissinger succeeded in putting the most ominous interpretation on the Soviet démarche. He referred to it as "one of the most serious challenges to an American President by a Soviet leader." Brezhnev, Kissinger insisted, had to be rebuffed "in a manner that shocked the Soviets into abandoning the unilateral move they were threatening—and, from all our information, planning."[70] Haig thought Nixon "too distraught to participate in the preliminary discussion" and on his recommendation the President was not awakened and told about Brezhnev's letter.[71] Nor did he attend the National Security Council meeting that Kissinger convened for the following morning. That meeting, on 25 October, was restricted to Kissinger, Schlesinger, Haig, CIA director William Colby, Deputy National Security Adviser Brent Scowcroft, Chairman of the Joint Chiefs Admiral Thomas Moorer, and Kissinger's military assistant, Commander Jonathan Howe.[72]

Despite Nixon's claims to the contrary, it is apparent from Kissinger's memoirs and other evidence that he was neither informed beforehand about the substance of the meeting nor asked for his approval of its far-reaching decisions.[73] At Kissinger's urging, the NSC authorized a DEFCON 3 military alert of U.S. strategic and conventional forces. In addition, the 82nd Airborne Division was put on an even higher state of readiness, sixty B-52's on Guam were ordered back to the continental United States, naval forces in the Mediterranean were augmented by another carrier, and *Franklin Delano Roosevelt* and its supporting vessels, already in the western Mediterranean, were moved east to join the two carriers on station there.[74] With uncharacteristic modesty, Kissinger admitted that "it was a daunting responsibility to assume."[75]

American policy during the Middle East war was formulated almost exclusively by Henry Kissinger.[76] Nixon intervened only to insist on an airlift and to press Kissinger, unsuccessfully, to work for a comprehensive peace settlement instead of just a cease-fire. He was otherwise distracted by Watergate. Vice President Spiro Agnew's resignation, the court battle over the tapes, and the Saturday Night Massacre and its repercussions, all of which occurred during the war, confronted Nixon with daily domestic crises. Kissinger's memoirs reveal that he was fully aware of Nixon's preoccupation. He took full advantage of it to pursue a policy that was at times quite at odds with that of the President.[77]

[70] Kissinger, *Years of Upheaval*, 583–584.

[71] Ibid., 585.

[72] Ibid., 585–588, on the meeting that Kissinger described as a WSAG "meeting of the principals."

[73] Ibid., 583–585, 592–593; Nixon, *RN*, 938–939, for his assertions to the contrary. Garthoff, *Détente and Confrontation*, 378–379, marshals the evidence for dismissing Nixon's claims that he authorized the NSC meeting and alert as yet another one of his prevarications.

[74] Kissinger, *Years of Upheaval*, 587–590; Blechman and Hart, "The Political Utility of Nuclear Weapons," 136–139; Douglas M. Hart, "Soviet Approaches to Crisis Management: The Military Dimension," *Survival* 26 (September–October 1984): 214–222, discuss the nature and extent of Soviet military preparations for intervention.

[75] Kissinger, *Years of Upheaval*, 585. This remark, made in reference to the decision not to awaken the President, applies even more to the decision for the alert.

[76] Garthoff, *Détente and Confrontation*, 372, reaches the same conclusion.

[77] Kissinger, *Years of Upheaval*, 537, reports that "Much of Nixon's attention during the week of

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The policy-making context of American policy during the Middle East war was characterized by two extraordinary attributes: a strong and highly respected secretary of state with a policy of his own at times at odds with the President's, and a President who, by virtue of his domestic political problems, was unable to direct or supervise foreign policy on a day-to-day basis. The gravity of Nixon's political problems also went some way toward reversing the usual power relationship between secretary of state and president; Nixon's own legitimacy was increasingly dependent on Kissinger instead of the other way around. This was readily apparent in the President's effort to make political capital from the Middle East war and ensuing Soviet-American confrontation. "He had a need to convince the public that there had been a real crisis," Kissinger reports, and "wanted me to stress his indispensability."[78]

Fortunately, the Soviet-American crisis of 1973 went away almost as quickly as it flared up; it was defused by an effective cease-fire. This outcome should not detract from the gravity of the structural problem that marred American policy during the confrontation. A nonelected official was able to capitalize on his distance from Washington, his standing with the President, and the President's deep involvement in other issues to substitute his judgment and policy for that of the chief executive. His policy led to an unnecessary Soviet-American confrontation and an unnecessary strategic alert. In different circumstances an abrogation of authority of this kind could have far graver consequences.

Countervailing Forces

According to Clausewitz, everything in war is very simple, but the simplest thing is very difficult. The practical problems associated with implementing even the most ordinary commands accumulate to produce a friction beyond the imagination of those who have never witnessed war. For Clausewitz, successful commanders are distinguished primarily by their ability to overcome this friction.[79] A similar process affects crisis management. Parochial perspectives, organizational routines, bureaucratic inertia, and human lassitude and error constitute a formidable friction that political leaders must surmount if they are to guide their nation's policies with speed and precision. A great leader, like a great general, is someone who can impose his will on civilian and military institutions and make them responsive to his directives.

Friction makes war a blunt instrument. It does the same to crisis management. Attempts to coordinate the myriad of political and military moves that constitute

the airlift was absorbed with the Court of Appeals decision on the Watergate tapes." On the night of 23 October–the strategic alert was ordered the next morning–Kissinger learned from Haig "that Nixon was down, very down over Watergate" because eight impeachment motions had been submitted to the House of Representatives Judiciary Committee that day. Pages 598 and 606 carry additional reference to the President's "obsession" with Watergate.

[78] Ibid, 606 and 598–599.

[79] Clausewitz, *On War*, 113.

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the substance of crisis management are bound to run into difficulty. In a crisis, even more than war, a small deviation from the envisaged game plan can have profound and detrimental consequences. Friction, in the form of orders that were never given or received or carried out as planned, plagued John Kennedy's handling of the Cuban crisis.[80] Potentially one of the more serious mishaps in this regard was the accidental overflight of the Soviet Union by a U-2 reconnaissance aircraft at the height of the crisis. The President had previously given orders that all air activity in the vicinity of the Soviet Union was to cease. Somehow, word never reached an Alaskan-based weather squadron. Khrushchev was inclined to dismiss the incident as an accident but pointedly warned Kennedy that it could also be interpreted as a last minute intelligence mission carried out in preparation for an American nuclear attack.[81]

The Soviets also had serious control problems. Khrushchev was very keen to avoid provoking any kind of military confrontation with the United States. He feared that it would be exploited by hardliners in Washington to prod Kennedy into attacking Cuba. He was "*so* concerned to be careful" that he had Marshal Malinovsky convey specific orders to Soviet commanders in Cuba not to shoot at American reconnaissance planes. Malinovsky dutifully passed the Soviet premier's order down the military chain of command. He, like Khruschchev, feared that hawks in Washington would use a military incident to push for an invasion of Cuba.[82]

Despite Moscow's concern for not giving the Americans any pretext for war, on Saturday morning, 27 October, Major Rudolph Anderson Jr.'s U-2 reconnaissance aircraft was shot down over Cuba by a Soviet SAM. Fidel Castro immediately claimed credit for bringing the aircraft down and Khrushchev, writing years later in his memoirs, blames the incident on the Cubans.[83] There is no doubt that Cuban forces, under orders from Castro to shoot at any American planes overflying Cuba, had fired on American aircraft and ships on several previous occasions during the crisis.[84] Cuban bellicosity stood in shart contrast to Soviet mili-

[80] See Allison, *Essence of Decision*; Sagan, "Nuclear Alerts and Crisis Management."

[81] Roger Hilsman, "The Cuban Crisis: How Close We Were to War," *Look*, 25 August 1964, 17–21; *New York Times*, 12 September 1962; Allison, *Essence of Decision*, 141.

[82] Comments of Fedor Burlatsky, *Proceedings of the Cambridge Conference on the Cuban Missile Crisis*, Cambridge Mass., 11–12 October 1987 (mimeograph), 103–04; interview with Burlatsky, 13 October 1987. Burlatsky told the same story to Daniel Ellsberg, "The Day Castro Almost Started World War III," *New York Times*, 31 October 1987.

[83] Strobe Talbott, ed. and trans., *Khrushchev Remembers* (Boston: Little Brown, 1970), 499.

[84] According to Sergei Mikoyan, *Proceedings of the Cambridge Conference,* 102, "Fidel ordered his anti-aircraft forces and his anti-aircraft missiles units to shoot at everything, but his missiles could only reach to the height of about 11,000 meters. They could not reach the U-2s." Central Intelligence Agency, National Indications Center, *The Soviet Bloc Armed Forces and the Cuban Crisis: A Chronology: July–November 1962,* 18 June 1963, 7, indicates that Cuban patrol ships fired on a U.S. Navy patrol plane over international waters on 30 August. On the afternoon of 26 October, two low-level reconnaissance planes flying over Cuba were fired at by light anti-aircraft and small arms, White House Tapes, Transcript of the Ex Comm Meeting of 27 October 1962, 30–31.

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tary caution and is evidence of Moscow's inability to control its Cuban ally.[85] But this is not how it appeared to the administration at the height of the crisis.

From the vantage point of Washington the news of the downing of Major Anderson's U-2 was particularly upsetting because it came hard on the heels of other disturbing news. Together with Khrushchev's second and more threatening cable, word that the Soviet cargo ship *Grozny* was moving toward the blockade line, intelligence that the Soviets were working around the clock on the Cuban missile sites, it seemed to indicate that Moscow was prepared to go to war.[86] Roswell Gilpatric remembers this moment as "the low point" of the crisis.[87] Some members of the Ex Com saw all of these events as part of a coordinated Soviet plan. McGeorge Bundy, who interpreted them this way, wondered aloud if more militant forces had taken over in Moscow and were now intent on a showdown.[88]

While there was uncertainty and confusion about the meaning of the day's events, no one on the Ex Com doubted that if a U-2 had been shot down by a SAM that it was on Moscow's orders. As Deputy Under Secretary of State U Alexis Johnson put it: "You could have an undisciplined anti-aircraft – Cuban anti-aircraft outfit fire, but to have a SAM-site and a Russian crew fire is not any accident."[89] The seemingly deliberate nature of the provocation evoked anger and a desire on the part of some to respond with military action of their own. Douglas Dillon remembers that the U-2 shoot-down "added enormously to the pressure to act."[90]

The effect of friction has changed considerably since Clausewitz's day. For Clausewitz, friction could only act to slow things down and keep war from reaching its natural limit. Today, the real danger of friction may be the reverse: failure to coordinate crisis policy with precision could lead to runaway escalation and nuclear war. Cuba gave only a hint of the kinds of problems that can develop in this regard. These problems would be much more likely to retard the resolution of any future superpower crisis of the magnitude of Cuba.

Cuba took place in a much less sophisticated institutional environment. Many communication links were entirely ad hoc, the number of players was relatively small, and their roles were often undefined. Strategic weapons, mostly bombers, were slow and recallable. The command and control systems of both superpowers have subsequently grown enormously in size and complexity. They have also be-

[85] See the comments of Sergei Mikoyan, *Proceedings of the Cambridge Conference,* 45, 69, 78, 96–101.

[86] Summary Record of National Security Council Executive Committee Meeting No. 7, 27 October 1962, 10:A.M., 1; transcript of Ex Comm Meeting of 27 October 1962, passim; Sorensen, *Kennedy*, 712–14; Elie Abel, *The Missile Crisis*, (Philadelphia: Lippincott, 1966), 188–89; Kennedy, *Thirteen Days*, 93–99.

[87] Oral History Interview with Roswell L. Gilpatric by Dennis O'Brien, 5 May 1970, 58. The John F. Kennedy Library,

[88] Ibid., 13, 19. Some academic analysts have also been attracted to this hypothesis. Herbert S. Dinnerstein, *The Making of a Missile Crisis: October 1962* (Baltimore: Johns Hopkins University Press, 1976), 229, hypothesized that the U-2 may have been ordered shot down by Soviet hard-liners out to sabotage any negotiated settlement of the crisis.

[89] Ibid, 89.

[90] *Proceedings of the Hawk's Cay Conference*, 116.

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come tightly coupled. Strategic weapons put more stress on these systems. They are capable of striking the adversary's political leadership and strategic forces in a matter of minutes instead of hours. They are also less tolerant of error, because missiles, unlike bombers, cannot be recalled. All of these developments would magnify the effect of the kinds of incidents and mishaps that plagued Kennedy's handling of Cuba. There is also reason to believe that the organizational complexity of the 1980s makes mishaps more likely.[91]

Paul Bracken warns that an amplifying feedback loop could develop between the warning and response systems of the superpowers in response to any significant strategic alerting by either one of them.[92] This ratchet effect, I have argued elsewhere, is only one of the dangers of strategic alerts. Their unpredictable organizational consequences, the risk of accident, and the sense of the threat that they convey make such alerts exceedingly destabilizing. Even if policy makers recognize this risk – which, on the whole, they do not – the superpowers still have a strong incentive to put their forces on a high state of alert in a war-threatening crisis in order to discourage adversarial preemption. The "logic" of nuclear crisis management, therefore, dictates the most dangerous of initiatives.[93]

All of the problems associated with nuclear command and control suggest the need for an additional dimension to the concept of friction. Clausewitz looked to physics for his original metaphor. We might follow his lead, because the phenomenon of "superconductivity" seems quite apropos to our need. Superconductors are metals that when cooled to within a few degrees of absolute zero offer no resistance to the flow of electricity. They develop no heat from "friction," regardless of the intensity of the current passing through them. Modern day command and control have similarly transformed the military medium in such a way that it offers increasingly less resistance to efforts by the national command authority to bring the country's strategic forces up to the highest states of readiness. Once set in motion, a strategic alert, like electricity in a superconducting circuit, could assume a life of its own and continue without additional external impulse. Institutional superconductivity could be the cause of runaway escalation that could lead to war in an acute crisis.

Fortunately, the command and control systems of the superpowers do not function as perfect superconductors. There is still a good possibility that mutual alerts, once begun, can be halted short of war, controlled by national leaders, and reversed in the aftermath of a crisis. There can nevertheless be little doubt that in the last twenty-five years superpower command and control systems have moved steadily in the direction of superconductivity. Nobody knows at what point, how far short

[91] Lebow, *Nuclear Crisis Management*, chap. 3, assesses the propensity of the Soviet and American nuclear command and control systems to accident.

[92] Quoted in W. J. Broad, "Experts Say Satellites Can Detect Soviet War Steps," *New York Times*, 24 January 1985. For a fuller exposition of Bracken's views, see his *Command and Control of Nuclear Forces*.

[93] Lebow, *Nuclear Crisis Management*, explores these other sequences to war in a crisis arising out of strategic alerts.

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of zero degrees Kelvin, to continue the metaphor, a precipitous fall in the possibility of control would make strategic alerts certain harbingers of thermonuclear war. This danger unquestionably exists. It is compounded by the seeming unwillingness of policy makers to recognize the gravity of the problem.[94]

Conclusions

This article began with a description of the two contrasting forces which in Clausewitz's view dominated warfare: emotions, which push war toward its limits, and friction, which works to prevent this. For Clausewitz, the lesson of the Napoleonic Wars was that the balance between these two forces had been permanently altered. The technical, economic, administrative, and political changes associated with the French Revolution had overcome many of the restraints of friction that hitherto had kept war from reaching its extreme expression. My analysis indicates that the relationship between these forces is even more one-sided today; crises and wars are even more difficult to control or keep limited.

My second and related finding is that many of the reasons why contemporary crises and war are difficult to control are different from what they were in Clausewitz's day. In superpower confrontations, friction and emotions can work in the opposite sense described by Clausewitz. Friction, to be sure, remains an important limiting force just as it was in the Napoleonic period. However, in the case of strategic alerts, human and institutional factors can also function as superconductors, conceivably carrying escalation up to and beyond the threshold of war despite contrary desires of policy makers. This would be even more likely in the case of a conventional superpower war in Europe, where geographical asymmetries, the co-location of so many important conventional and nuclear assets, and the respective strategies of the two sides—not to mention the effects of the "fog of war"—would make such a conflict exceedingly difficult, if not impossible, to limit.[95]

Emotions can also cut both ways. The Falkland-Malvinas conflict in 1982 reveals the extent to which emotions on the part of both leaders and peoples can act, as Clausewitz warned, to escalate a conflict. According to Argentine foreign minister at the time, Nicanor Costa-Méndez, the original Argentine intention was to occupy the islands and then to withdraw that evening. This dramatic initiative, it was hoped, would dramatize Argentina's grievances, focus world attention on the conflict, and compel Britain, under pressure from the United States and world opinion, to make a concession on sovereignty. So much for the game plan. The occupation galvanized Argentine opinion in a manner never envisaged by the junta;

[94] Lebow, *Nuclear Crisis Management*, chap. 4, treats this theme.

[95] On the difficulties of keeping a European war limited and conventional, see Barry Posen, "Inadvertent Nuclear War? Escalation and NATO's Northern Flank," *International Security* 7 (Fall 1982): 28–54; and John J. Mearsheimer, "A Strategic Misstep: The Maritime Strategy and Deterrence in Europe," *International Security* 11 (Fall 1986): 3–57.

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some of them also gave vent to nationalist sentiments and spoke out against the on-going evacuation of Argentine forces. The next day, the junta as a whole reversed itself, reinforced the Argentine garrison at Port Stanley, and took the fateful step of appointing a governor-general. Similar passions were aroused in Britain by news of the invasion and committed the Thatcher government, whatever its inclination, to a confrontatory response.[96]

Emotions are likely to have a different and more complex effect on a superpower crisis. At the outset, they may push leaders and public opinion in the United States toward a confrontation. Soviet intervention in Afghanistan and the shooting down of KAL 007 certainly did this. However, the moment any real risk of war is perceived, anger with the adversary will conflict with another powerful emotion, fear of nuclear war and its consequences. Soviet and American behavior in the Cuban missile crisis indicates that fear of nuclear war and the anxiety the very prospect of it provokes is likely to be the dominant emotion. In Cuba, it prompted both sets of leaders to make extraordinary efforts to resolve their confrontation, much to the apparent relief of their respective political constituencies. The 1973 confrontation was a pale shadow of its famous predecessor but even so, the American Congress and public asked a lot of hard questions afterwards about the alleged necessity of a strategic alert. The Korean airline incident was less acute still. Perhaps one reason why was the mutual fear of war; the Reagan administration sought to reap all the propaganda value it could while carefully refraining from doing anything that could have provoked a serious confrontation with Moscow.

What are the consequences of a world in which emotions slow down the pace and intensity of conflicts and friction speeds them up? In one sense we are better off. Emotions enter at an earlier stage of a conflict; they are often one of the primary causes of a confrontation or, if not, certainly one of its most immediate effects. Friction, by contrast, has its most undesired effects at high levels of escalation involving strategic alerts or actual conventional clashes. To the degree that fear of war is pronounced among policy makers it should act (and probably has) to moderate superpower truculence, thereby reducing the likelihood of a serious superpower crisis. If such a crisis nevertheless develops, fear of war should help dampen it unless, as is always possible, policy makers on one or both sides underestimate the seriousness of the situation.

We are worse off in crises that reach high levels of escalation. For at this stage of confrontation the accelerating effects of friction are most likely to be apparent. The risk of loss of control because of other generic causes I have described will also be more pronounced. Loss of control of one kind or another does not automatically make conflicts more difficult to resolve, but on the whole it can certainly be expected to have this effect. The various possibilities of loss of control, from causes as diverse as human emotions, clashing political interests, parochial

[96] Interview with Nicanor Costa-Méndez, 21 October 1986; Richard Ned Lebow, "Miscalculation in the South Atlantic: The Origins of the Falkland War" in Robert Jervis, Richard Ned Lebow, and Janice Gross Stein, *Psychology and Deterrence* (Baltimore: Johns Hopkins University Press, 1985), 89–124.

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institutional perspectives, and organizational rigidity and complexity make superpower crisis management a highly dangerous and unpredictable exercise. Wise leaders will do their best to avoid such confrontations.

Caution can nevertheless not be taken for granted. The magnitude of national and political interests perceived to be at stake, insufficient awareness of the dangers of crisis, and even *hubris*—certainly an important factor in the case of Henry Kissinger—can make leaders more risk prone than a prudent calculus of cost and gain would warrant. The ignorance, even the reluctance of superpower leaders to face up to the sobering realities of contemporary crisis management, may in fact constitute the most important cause of loss of control. In the abstract, leaders are generally reluctant to do anything that creates a serious risk of war. But in practice, they sometimes minimize those risks out of ignorance or convenience. Rarely in formulating their plans do leaders seriously consider how they can go wrong and how they will then respond. They would be well-advised to heed Clausewitz's timeless advice: consider the last step before taking the first.

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Political Legitimacy and Crisis in Poland

WILLIAM P. AVERY

Political events in Poland since the emergence of the free labor movement (Solidarity) in 1980 demonstrate that the Polish United Workers' Party (PZPR) is experiencing yet another manifestation of its failure to establish the legitimacy of its governing role in society. From the time the Communists came to power at the end of World War II, Poland has experienced repeated political instability and crises. Unrest among the workers, riots, and strikes led to top leadership changes in 1956, 1970, 1980, and finally the imposition of martial law in 1981. Additional public discontent and worker protests occurred in 1968, 1976, and are continuing today. The explanation for this near permanent state of instability is found ultimately in an analysis of the legitimacy crisis that has characterized Poland's political system throughout the postwar period.

This article analyzes the ongoing crisis of legitimacy in Poland, focusing on the inherent contradictions between the values of the Polish Communist state and those reflected in the culture and traditions of the mass public. Among the topics taken up are the origins of the recurring crises and political unrest; the significance of Solidarity for the Polish political process; the prospects for Poland under martial law and beyond; and the wider implications for other states in East Europe.

Legitimacy and Stability

The amount of support that citizens render any government depends largely upon the level of governmental legitimacy. Seymour M. Lipset has defined legitimacy as "the capacity of the system to create and maintain the belief that existing political institutions and procedures are the most appropriate ones for the society."[1]

[1] Seymour M. Lipset, *Political Man* (Garden City, N.Y.: Doubleday, 1960), 77.

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In the Weberian tradition, legitimacy involves "the degree to which institutions are valued for themselves and considered right and proper."[2] Richard M. Merelman has noted that legitimacy is the quality of "oughtness" perceived by the mass public to be inherent in a political system.[3] Legitimate government is one that is perceived as morally proper for a society. A consensus exists among the governed that authority is distributed and exercised in a proper manner. This is achieved when political institutions and procedures are seen as reflecting the basic values of individual citizens. The actions of government thus carry the force of moral sanction and the level of public compliance is usually high.

Legitimacy is further enhanced by a feeling among the mass public that they can make their wishes felt at the seat of political power. A political system that does not create opportunities for two-way exchanges between rulers and the ruled—one that does not provide access to the political process for new demands arising from below—is more likely to experience a crisis of legitimate authority. This is important even though direct popular influence on government may be more apparent than real. At a minimum, however, the mass public must *believe* that they have influence on governmental actions and leaders and that those in power are acting in the best interests of the governed.

Ideology can also be used to build legitimacy by creating unity of national purpose and respect for government. However, ideology that promises a bright new future as the principal means for establishing legitimacy can be hazardous. "The great danger . . . is that when promises are not realized, the authority of the leaders may quickly erode."[4] National leaders may not yet have an easy command of power, because loyalty and support do not automatically and completely attach to the governmental institutions and procedures. The actions of government are thus evaluated within a very narrow range of acceptability, requiring only a minor but unpopular decision to spark a crisis. Such has been the case in virtually every significant political crisis in Poland since World War II. Political unrest has almost always followed government decisions to hike basic food prices, even when the increases have been modest and necessary.

In stable political systems, the legitmacy of government is well established in the public consciousness. It is founded in the respect citizens have for the basic institutions and procedures of their government and is reflected in a generous range of acceptability. Lucian W. Pye's statement on this phenomenon is worth quoting at some length:

> If there is no legitimacy crisis and people are prepared to trust their leaders, then there can be a broad acceptance of the right of government to do more than merely process and aggregate into public policies those interests articulated by the public at large. In such a situation the people are ready to accept as reasonable the belief that if at the

[2] Robert Bierstedt, "Legitimacy," *Dictionary of the Social Sciences* (New York: Free Press, 1964), 386.

[3] Richard M. Merelman, "Learning and Legitimacy," *American Political Science Review* 60 (September 1958): 548.

[4] Lucian W. Pye, "The Legitimacy Crisis" in Leonard Binder, et al., eds., *Crises and Sequences in Political Development* (Princeton, N.J.: Princeton University Press, 1971), 141.

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> moment the rewards of the system must be more psychological than material, then they are, in a sense, practicing a form of "savings" so that the system will be able to make greater "investments" and hence the material rewards of "consumption" will be significantly higher at a later date.[5]

The willingness, therefore, to defer gratification of material wants is greater when there is no serious legitimacy crisis, because of the broad range of acceptability within which citizens evaluate the actions of government.

In a great many countries, however, an imperfect consensus exists on the appropriate nature of politics, and, in consequence, those politics are marked by frequent unrest and crises. Cynicism predominates; personalism and nepotism are prevalent; public office is often used for private advantage; the mass public shows a particular unwillingness to accept unpopular governmental decisions; and orderly, regular transfers of political power are infrequent or absent. Lacking appropriate authority, governments resort to coercion and the threat or use of force to maintain order. For such governments, the "right" to exercise political power rests upon the ability to coerce through force.

Legitimate authority must, therefore, be distinguished from power, for a political regime may have power but lack proper authority. As defined by Thomas Hobbes, authority may be understood as the right to do. "Done by authority" means something done by him whose right it is.[6] When authority is absent, power in specifically physical form is usually present. To the citizens in such systems, government represents power, frequently conveyed through the military and/or police, but not rightful authority. Thus, when governmental power is challenged, it cannot rely upon public consensus and acceptance of its right to govern, but must instead resort to force. The state is often seen as holding a monopoly on the means of force in society. The argument of this article suggests that this conception of the state comes close to the reality of the state for most Polish citizens. Small wonder, then, that they often seek to emulate the state, to challenge its monopoly by the use of force in the form of riots, demonstrations, and strikes. Negotiations will seldom succeed so long as the state presents itself as power without authority.

Revolution From Without

The origins of the legitimacy crisis in Poland can be traced directly to the Communist takeover immediately after World War II. Neither Poland's earlier history nor its interwar period provided a likely basis for the Communist rise to power. "In the interwar period, the Polish Communist Party was among the weakest in Europe and operated outside the mainstream of Polish politics."[7] The party num-

[5] Ibid., 155.

[6] Michael Oakeshott, ed., *Leviathan* (Oxford, England: Blackwell, n.d.), 196.

[7] Susanne S. Lotarski, "The Communist Takeover in Poland" in Thomas T. Hammond, ed., *The Anatomy of Communist Takeovers* (New Haven: Yale University Press, 1971), 339.

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bered no more than 30,000 members in 1945, consisting mainly of underground, partisan units and those in exile in the Soviet Union. The units of the Polish underground state, consisting of the resistance army (numbering about 380,000), a political structure exiled in London, a judicial system of underground courts, and an educational system of underground schools and colleges all formed a broad anti-Communist coalition of a size and strength "far greater than that which could be mustered by the Communists."[8] Moreover, the Communists faced an additional liability in the deep-seated anti-Russian and anti-Soviet sentiments of the Polish people. Tsarist Russia had been one of the partitioning powers that ruled Poland from 1795 to 1918, and the Soviet-German pact of 1939 had opened the way for the Nazi attack on Poland, resulting in the Soviets taking over more than half of Polish territory to the East.

In the face of such obvious obstacles, how was the Communist takeover possible? The key to explaining the takeover is found in Soviet military and tactical support. Soviet victory over German forces created in Poland, as in other countries of Central and East Europe, the conditions for coercing Poland into the Communist party state system. As the Soviet army pushed westward in 1944 and 1945, it established Communist-controlled provisional governments in the liberated countries. Even though the non-Communist exile government in London had held claim as the legitimate government of Poland from the beginning of the war, the Soviet forces installed in power Polish Communists brought from Russia who joined with other Polish Communists and parachuted into Poland behind German lines in December 1941 to organize party units and set up local governments.

There is little evidence that the Communists enjoyed widespread public support or that their claim to power was more legitimate than that of the London group. In fact, "their small party was composed of disparate wings and was confronted with popular hostility and a political opposition of considerable strength."[9] What was of crucial importance, however, was that the Communists had the support of the Soviet army and secret police against the rival claims of the London exile government. James F. Morrison has argued that this support provided a "protective shield for the new government while it was consolidating its own position."[10] To consolidate their power, the Communists were forced finally to fight a civil war for more than two years in which approximately 17,000 people died. This pattern of externally-sponsored political takeover has been described by one writer as a "Communist victory from without."[11]

The imposition of a Communist political system by one of Poland's historical adversaries is crucial to understanding the legitimacy crisis that has marked Polish

[8] Z. Anthony Kruszewski, "Nationalism and Politics: Poland" in George Klein and Milan J. Reban, eds., *The Politics of Ethnicity in Eastern Europe* (Boulder, Colo.: East European Monographs, 1981), 167.

[9] Lotarski, "Communist Takeover in Poland," 341.

[10] James F. Morrison, *The Polish People's Republic* (Baltimore: Johns Hopkins University Press, 1968), 32.

[11] Gary D. Bertsch, et al., *Comparing Political Systems: Power and Policy in Three Worlds* (New York: John Wiley, 1979), 190.

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politics in the postwar period. Basically, Communist norms and political practices have little in common with traditional values and customs in Poland. A political system was superimposed on a culture whose national values do not reflect those of Communist political institutions and procedures. The key to explaining the Polish legitimacy crisis lies thus in an analysis of the dissonance between the norms and values expressed in government and those held by Polish citizens.

God and the Party

Certainly any discussion of this dissonance must start with the status of religion in Poland. Catholicism is deeply imbedded in Polish culture and traditions. The church and the Polish nation share a common history of over 1,000 years. Religious tolerance dates back to 1573, when freedom of religion was granted by law to the gentry. During the Reformation and Counter Reformation era, Poland was known throughout Europe for its religious tolerance and it provided refuge for large numbers of people fleeing religious persecution in neighboring countries. Thereafter, however, Polish catholicism became less tolerant and more exclusivist. Poland today is one of the most thoroughly Catholic countries in the world. Most estimates place adherents of the Roman Catholic Church at greater than 90 percent of the population, and more than half attend Sunday mass. The church maintains some 14,000 churches and over 19,000 priests in 6,500 parishes.[12]

Historically, the church and the Polish nation have been virtually inseparable. The church is revered by Poles for its vital role in preserving the nation during repeated assaults on the state. Throughout most of the past 300 years, the Polish state lay vanquished by foreign invaders; it was wiped off the face of Europe three times, most recently in 1939 by the invasions and occupations of Nazi Germany and the Soviet Union. Each time the church was the single most important factor in keeping alive the Polish nation. During more than one hundred years (1795–1918) when Poland was partitioned by neighboring powers of Russia, Prussia, and Austria, the

> Catholic Church became *de facto* the only public national institution where the Polish language, so deeply interwoven into the matrix of Polish nationalism, could be freely spoken and enjoyed. This peculiarity, coupled with the leadership provided by the priests (active in all the Polish uprisings and liberation movements in the country and in exile), has endowed the Polish Church hierarchy with secular authority not usually enjoyed by religious leaders in other countries.[13]

The church was also deeply involved in active resistance to Nazi occupation during World War II; about 20 percent of its priests and bishops were executed or perished in concentration camps. Out of the ruins of the war, the Catholic church in Poland emerged stronger than ever, its moral authority a formidable challenge

[12] Interpress Publishers, *Poland: A Handbook* (Warsaw: Interpress Publishers, 1977), 216.
[13] Kruszewski, "Nationalism and Politics," 151.

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to the new Communist regime. And the election in 1978 of Poland's Karol Cardinal Wojtyla as Pope John Paul II, which so electrified the nation, has enhanced the authority and prestige of the church, further cementing its historical bonds with the people.

Joseph R. Fiszman describes the historical ties between the church and the Polish people in the following terms:

> Traditionally the "good Pole" was seen as a Catholic Pole. The Church was perceived in the mass consciousness as a national institution rather than merely the guardian of the faith. The very emergence of Poland into state and nationhood was linked with the establishment of the Church. . . . When the non-Catholic neighbors grew powerful enough to repeatedly destroy the state and partition its territory, the concepts of "Pole" and "Catholic" became indeed so intimately fused that the convert to Russian Orthodoxy or Protestantism was seen as a traitor to the community. . . . Religion to the Poles became a surrogate of statehood when the state was lost.[14]

It is also apparent that the church too sees itself as ultimate defender of the nation, as the ever-attentive guardian of Poland's national interests. The late Polish primate, Stephan Cardinal Wyszynski, has been quoted as saying: "For us, next to God, our first love is Poland. After God, one must above all remain faithful to our homeland."[15]

Whether one views the position of the church in Poland in moral and religious terms or essentially a secular expression of catholicity, it is evident that its enormous prestige and influence permeate Polish society. It is within this context that the norms and practices of the Polish Communist state must be evaluated.

Communist ideology repudiates the validity of all competing belief systems and recognizes no morality that proceeds from supernatural ideas. Government attacks on the church in Poland have occurred periodically since the Communists came to power, although they have diminished in recent years after reaching a peak in 1950–1955. Catholic laity have generally been barred from holding responsible administrative positions in government. The state retains, from the Stalinist era in Poland (1948–1956), the right to veto appointments of bishops and pastors and can request disciplining or even removal from office those clerics engaged in activities considered harmful to the state. Moreover, the state has made a concerted effort to transform Polish catholicism into a Soviet-styled state religion. A campaign was launched to encourage atheism in youth organizations, the press, and through creation of the Association of Atheism and Free Thinkers; to secularize the schools; to divide the clergy by organizing "patriotic priests"; to lure away the laity through an organization known as PAX; and to restrict sharply the church-controlled press.[16]

[14] Joseph R. Fiszman, "Poland: The Pursuit of Legitimacy" in Ivan Volgyes, ed., *Political Socialization in Eastern Europe* (New York: Praeger Publishers, 1975), 137.

[15] Quoted in Adam Bromke, "A New Juncture in Poland," *Problems in Communism* 25 (September-October 1976): 11.

[16] For more detailed discussions of this subject, see Adam Bromke, "From 'Falanga' to 'PAX'," *Survey*

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The reaction of Polish citizens to such attacks on the church has been anger and cynicism, further isolating the ruling party from the masses and frustrating its efforts to instill new Communist norms among the populace. Poles tend to regard all attacks on the church as attacks on their sacred nation, causing believers and nonbelievers alike to flock to its defense. The state appears to recognize the greater prestige and support the church enjoys among the mass public. Indeed, state authorities have frequently called upon the church to help calm public passions in times of crisis. Andrzej Korbonski maintains that "if the political system performed at all, it was because of the Church's passive support."[17] The church has been far more successful in penetrating society than has the government. In fact, it is the "only institution in Poland with authority among the masses and with the ability tc reach them. The Church alone can jolt the conscience of the people, inspire them to greater involvement in public life, and provide moral guidelines for their participation."[18] It must be concluded, therefore, that the atheistic thrust of Communist ideology and the PZPR's grudging accommodation with the church after years of trying to reduce its influence have only served to remind the Polish people of the gap between their own values and those of the governing party.

Participatory Norms

Another source of dissonance between the values of the Polish public and those of the government is found in the manner in which political power is derived and exercised. It can be argued that an individually centered notion of political order has historical roots in Polish society. As early as the sixteenth century, Poland established a form of representative government in what has been called "gentry democracy." Beginning in 1573 and lasting until the end of the eighteenth century, Polish monarchs were elected by members of the gentry, who regarded all dynastic aspirations as attacks on their own rights and prerogatives. The king governed under the laws of the parliament (Sejm) whose members also were elected by the gentry. While the king's powers were extensive, he nonetheless governed within certain limitations. He was pledged to uphold the Henrician Articles, passed to limit the powers of the first elected monarch, Henry of Valois. Under terms of the articles, royal income was separated from state income, with the Sejm retaining

(December 1961): 29–40; Vincent Chrypinski, "Church and State in Gierek's Poland" in Maurice D. Simon and Roger E. Kanet, eds., *Background to Crisis: Policy and Politics in Gierek's Poland* (Boulder, Colo.: Westview Press, 1981), 239–268; Vladimir Gsovski, *Church and State Behind the Iron Curtain* (New York: Praeger Publishers, 1955); and Anna Kaminska, "The Polish Pope and the Polish Catholic Church," *Survey* 24 (Autumn 1979): 204–222.

[17] Andrzej Korbonski, "Political Development and Political Decay: The Case of Eastern Europe—Political Aspects," paper presented at annual meeting of American Political Science Association, Washington, D.C., August 1980, 8.

[18] Chrypinski, "Church and State in Gierek's Poland," 249.

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sole authority to levy taxes. The king also recognized free elections and agreed to convene the Sejm at regular intervals. Failure to abide by these articles released the gentry from allegiance to the crown and allowed them to declare against the king.[19] While it cannot be argued, of course, that this form of government was democratic (the gentry comprised only 10 percent of the population), it is evident that some expression of limited government was reflected in it.

Aspirations for limited government and popular participation can be traced throughout much of Polish history. The Constitution of 1791, an unusually liberal document for its time, attempted to introduce a parliamentary monarchy. The strongest émigré organization to emerge during the long partition of Poland, the Polish Democratic Society (1832–1862), advocated popular participation in government. And during the interwar period, Poland established for a time at least (1918–1926) a parliamentary republic. Even when this was eventually replaced by military rule, a legal opposition continued to exist, independent newspapers were published, and labor unions were free to strike. Moreover, public opinion polls show that among the citizenry in Poland today there is strong support for popular participation in government. A 1981 survey reported in the widely read weekly magazine, *Kultura*, revealed that 61 percent of Poles rated "community influence" on the decisions of governmental authorities as one of the most desirable features of a political system.[20] There can be little doubt that participatory norms were firmly implanted in the pre-Communist political history and culture of Poland and that they persist in the values of Polish citizens today.

Political authority in Poland since the Communists came to power has been based largely upon the Soviet model of rule developed in the USSR during the Stalin era. Despite a softening of the harsher elements of Stalinism after 1956, Polish political institutions and procedures retain the essential characteristics of the Stalinist political order established after the war. Political power is dominated by the Communist party; no organized opposition is permitted; very little free public debate occurs outside the party; and despite the party's claims to the contrary, broadly competitive elections in which national leaders are chosen by the mass public are not a reality. Commenting on the nature of Communist political systems, Joseph LaPalombara has observed that "the notion of an individually centered political order, of the freedom and autonomy of group organization and association, of competing allegiances that may be manifested in organized political opposition, is anathema."[21]

It is a well established fact that power in Communist political systems is distributed in a rigidly hierarchical fashion. Within the party and government, each organizational unit is headed by one individual who represents that unit at the

[19] Aleksander Gieysztor, et al., *History of Poland* (Warsaw: Polish Scientific Publishers, 1979), 164.

[20] J. Kurczewski, "In the Eye of Public Opinion," *Kultura* [Warsaw], 3 March 1981. Translated in Polish News Bulletin of the American and British Embassies, Warsaw, Poland, No. 40–81.

[21] Joseph LaPalombara, "Monoliths or Plural Systems: Through Conceptual Lenses Darkly," *Studies in Comparative Communism* 8 (Autumn 1975): 325.

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next highest level, with each unit deriving its authority in turn from the level immediately higher. None of these units is autonomous, but must conform to directives from the top leadership of the party. Ultimate authority is thus derived from the very top of the party organization: the Politburo and party secretary. Consequently, policy making in the Polish system is a tightly controlled process dominated by the nation's highest leaders and relatively closed to outside influence. The party and government form overlapping and interlocking bodies, sometimes referred to as institutional "lock-step," wherein the governmental structure is subordinate to the party's official line. Governmental units do not make important decisions without first receiving policy directives from the party. "Thus legislative, judicial, and even administrative functions are substantially fused, not separated, in the Polish-Communist parliamentary system."[22] The postwar legislature in Poland has never been an important autonomous policy-making body. Its sessions are typically free of opposition, serious debate, and rancor so characteristic of western democratic legislatures. Seeking to aid the legitimation of party actions, the Polish Sejm functions chiefly to ratify policies of the party.[23]

The practice of democratic centralism in decision making and the system used in staffing top governmental positions (*nomenklatura*) instill rigidity and authoritarian tendencies within the Polish political system. As the main instrument of party rule in a Communist state, democratic centralism provides for a downward flow of decisions within a climate of strict submission to party discipline. This stifles upward articulation of interests within the party and discourages open communication between party and citizens. Nomenklatura, patterned after the Soviet practice of the same name, gives the party control over appointments to virtually all important government posts and provides the party with the administrative means to control government. In Poland, as elsewhere in East Europe, nomenklatura has become a merry-go-round of movement by the same people from one position to another. Although entry into the Polish United Workers' Party is relatively easy, it is very difficult to reach the inner circles of the party and governmental apparatus and thus difficult to effectively influence policy.

The foregoing conditions hardly render the party capable of meaningful input from below. Korbonski has argued that "the existing formal institutions have failed rather dismally in serving as channels of communication and instruments of participation, leaving large segments of the population, especially the workers and peasants, without adequate voice in governmental decisionmaking."[24] It is clear that for the workers the creation of a socialist state in Poland and the establishment of a worker ruling class did not improve their position in the political struc-

[22] Alexander J. Groth, *People's Poland: Government and Politics* (San Francisco, Calif: Chandler Publishing Co., 1972), 27.

[23] Maurice D. Simon and David M. Olson, "Evolution of a Minimal Parliament: Membership and Committee Changes in the Polish Sejm," *Legislative Studies Quarterly* 5 (May 1980): 211–232; and Sarah M. Terry, "The Sejm as Symbol: Recent Polish Attitudes Toward Political Participation" in Simon and Kanet, eds., *Background to Crisis,* 27–64.

[24] Korbonski, "Political Development and Political Decay," 14.

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ture of the country. "Despite constant recitations of the ideological role they were supposed to play, their function was limited merely to that of manpower."[25]

It would be overly simplistic, however, to conclude that no input whatever is permitted from below. Polish citizens can and do participate in the political process. But that participation is so narrowly defined by the structure and practices of the party that it results in relatively little meaningful influence. Citizens always know that ultimate political power resides in the party leadership and that the final say is not their's but the party's. What was intended by Marx to be a "dictatorship of the proletariat" has become in reality a "dictatorship of the party." In the USSR, this system has met with minimal popular resistance. Russia has only known authoritarian government, and its citizens apparently find little difficulty in conforming to the current system. However, unlike Russia with its long tradition of a subject citizenry, Poland has a stronger tradition of participatory values. More typically, Polish citizens are dissatisfied with having little or no say over their own affairs. "Whether one chooses to call it freedom, rugged individualism, lack of discipline, or simply proclivity to anarchy, the Polish people have steadfastly refused to accept the Communist system as legitimate."[26]

Tolerance and Dissent

Closely related to Poland's participatory tradition is the high regard Poles have for political tolerance and dissent. Recent survey findings reveal that 71 percent of Poles rank freedom of expression as one of the most desired features of a political system.[27] The historical origins of this too date back to the sixteenth century, when sessions of the Sejm could be suspended by the casting of a single dissenting vote (*liberum veto*) by any member. Although this had a potentially paralyzing effect on government, it illustrates the historical depth of Polish regard for political dissent. During the interwar period, as noted earlier, some political opposition and dissent were tolerated even under military rule. It is generally conceded that Poles show little deference to authority and have no real tradition of mass conformity.

Under Communist rule in Poland, state censorship of the media and harrassment of dissidents, including arrest and detention without charges, are regular features of the system. Published works banned by the state include George Orwell's, *Animal Farm*, Gunter Grass's, *The Tin Drum*, and Zbigniew Brzezinski's study of Soviet-Eastern European relations, *Unity and Conflict*. Even the works of Czeslaw Milosz were censored until the state reluctantly lifted the ban on some of his works after his receipt of the 1980 Nobel Prize for literature. Dissidents

[25] Vincent Chrypinski, "Poland" in Adam Bromke and Teresa Rakowska-Harmstone, eds., *The Communist States in Disarray: 1965-1971* (Minneapolis: University of Minnesota, 1972), 197.

[26] Andrzej Korbonski, "Poland" in Teresa Rakowska-Harmstone and Andrew Gyorgy, eds., *Communism in Eastern Europe* (Bloomington: Indiana University Press, 1979), 46.

[27] Kurczewski, "In the Eye of Public Opinion," 2.

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are under continual surveillance, especially the Committee for Social Defense (KOR); its more prominent members, Jacek Kuron and Adam Michnik, are singled out for particular harassment. With the imposition of martial law in December 1981, repression of dissent became especially harsh; literally thousands of trade union leaders and intellectuals were jailed.

Party control over information flows has extended to virtually all controversial topics or those potentially embarrassing to the state. The list of prohibited subjects includes chemical and industrial pollution, statistics on workplace safety and hygiene, information on Polish meat exports to the USSR, and—until recently—alcoholism. Polish history books have been carefully sanitized to avoid straightforward treatment of sensitive issues, especially those involving Polish-Soviet relations during World War II and the period of Communist consolidation of power just after the war. For example, official history texts in discussing the highly emotional issue of Poland's eastern territories often merely state that "it was agreed" to set the boundary along the Curzon line. No direct reference is made to the Soviet invasion and permanent annexation of eastern Poland that followed the secret Molotov-Ribbentrop agreement in 1939 to divide Polish territory with Germany. Economic statistics have been similarly restricted. Even mainline Polish economists were not fully aware of the extent of western loans made during the Edward Gierek regime.

Even though Polish censorship, at least prior to martial law, was usually milder than state censorship in the USSR and some other East European countries, its existence in Poland is at variance with Polish traditions and serves only to further alienate government from the people. One writer has observed that "so little factual information appeared in the newspapers and so great were the distortions that Poles came to assume that most of what appeared in print was lies."[28] A survey of Polish students in Krakow taken in the early 1970s revealed discontent with the state-controlled press; only 46.1 percent agreed with what they read in newspapers.[29] Evidence of this discontent is perhaps best seen in the flourishing underground press that emerged during the 1970s. Statistics show that more than fifty titles were published by various unofficial presses, most frequently by the independent publishing group known as NOWA. The combined circulation of underground publications and titles has been estimated at 30,000 with each copy being read by as many as 100 individuals for a readership of about 3 million.[30] Moreover, the workers' journal, *Robotnik*, published by KOR beginning in 1977, had reached a readership estimated at 200,000 by the time of the Gdansk strikes in August 1980.[31] It is evident that official censorship and repression of dissent in Poland have met with considerable popular resistance.

[28] John P.C. Matthews, "Renewal in Poland," *World View* (June 1981): 8.

[29] Maurice D. Simon, "Polish Student Attitudes and Ideological Policy" in Simon and Kanet, eds., *Background to Crisis,* 153.

[30] Richard F. Staar, "The Opposition Movement in Poland," *Current History* (April 1981): 150.

[31] Matthews, "Renewal in Poland," 9.

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Villas and Swimming Pools

The legitimacy crisis in Poland also touches on two important social norms—equality and justice. If these values were not firmly grounded in Polish culture before World War II, there is little doubt that they are now. In perhaps no other area has the Communist party been more successful than in its efforts to instill these values in the public consciousness. Official studies of Polish public opinion consistently show that a vast majority of Polish citizens give high priority to equality and justice in social relations. Moreover, an unofficial survey conducted in late 1980 by the French magazine, *Paris Match*, revealed an overwhelming preference among Poles for political parties of a liberal/socialist orientation.[32] It is then not surprising that evidence of a growing gap between rich and poor along with revelations of official corruption and privilege have induced resentment and cynicism among the public.

Dating from about 1945, what Milovan Djilas termed the "New Class" had settled in with a vengeance in Poland.[33] Party officials, in an unusual display of candor, admitted after the August 1980 strikes what many citizens already knew: wealth and privilege involving expensive cars, villas, swimming pools, and even Mediterranean residences had accrued to party and government leaders. This is quite different from the petty corruption most people have come to expect in which the payment of small bribes to bureaucratic functionaries who control the purchase of cars, the issuance of passports, apartments and the like can move things along much more swiftly. The dissident group KOR maintains that social inequality reaches a 50:1 ratio between salaries of mine directors and pit mine workers. While not specifically verifying this figure, government officials have confirmed that some incomes are so high that social justice has been undermined in the eyes of the public.[34] Commenting generally on official corruption in East European Communist states, Ivan Volgyes posed the question: "How can one believe in socialist morality when one realizes the importance of *protekcija* (obtaining favors through unofficial channels), the ever-present official scandals . . . , or sees the 'cadre kids' arriving at school in daddy's shiny official car?"[35]

The Polish worker has been exhorted to help build socialism and to work hard and long hours, with the promise that his material well-being will improve. Like much of the population, however, he continues to suffer from badly overcrowded

[32] Jean Cau, "Un Sondage en Pologne," *Paris Match,* 21 November 1980, 34. Interestingly, only 3 percent expressed a preference for the Communist party. It is difficult, however, to gauge the validity of this survey, since little information is provided as to the sampling procedures employed. The magazine states only that its interviewers were trained to be "coldly objective" and were carefully selected to weed out dissidents, and that a cross-section of workers, farmers, managers, shopkeepers, service employees, and fishermen were interviewed throughout the country.

[33] Milovan Djilas, *The New Class* (New York: Praeger Publishers, 1957).

[34] Eric Bourne, "Polish Party Task: Explaining 'Villas' in Era of Scarcity," *Christian Science Monitor,* 11 September 1980, 8.

[35] Ivan Volgyes, "Political Socialization in Eastern Europe: A Conceptual Framework" in Ivan Volgues, ed., *Political Socialization in Eastern Europe* (New York: Praeger Publishers, 1975), 32.

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housing, high prices, severe consumer shortages, unjust distribution of premiums and bonuses, and a general deterioration in living and working conditions. In a situation where the state already lacks the confidence and support of the people, such exhortations for sacrifices and delays in consumption "may be seen only as the further tricks of a malevolent elite."[36] Indeed, the suggestion that material wants must be delayed or must defer to larger national concerns often results in disappointment and privatization in which everyone feels that he or she must look after their interests—hence, corruption.[37] The extent to which corruption and inequality exist in Poland, whether real or imagined, greatly contributes to the legitimacy crisis by undermining the party's credibility in the one area where official ideology and public values coincide most closely.

Nationalism and "Russophobia"

Perhaps no other national trait characterizes Poland more than its strong sense of nationalism and independence. Polish history is replete with accounts of resistance to outside interference and uprisings against foreign occupation. During World War II, Poland's badly outnumbered army was the first to offer armed resistance to Hitler. And unlike other countries in Europe, the Germans were unable to organize a quisling government in occupied Poland. The unsuccessful Warsaw uprising near the end of the war, costing nearly 200,000 lives, occupies a prominent place in Polish history.

In the latter half of the eighteenth century, Poland was partitioned by Russia, Austria, and Prussia and was not to reemerge as an independent state until the end of World War I. Many of Poland's greatest national heroes were military leaders like Tadeusz Kosciuszko, Jaroslaw Dabrowski, and Jozef Pilsudski who led insurrections or fought to gain independence for the nation during this period. In the arts the most popular writers, poets, and composers were those whose works sought to preserve the Polish national spirit. A popular belief (*mesjanizm*) emerged during this period of partition that ascribed to the Polish nation a messianic mission. It was a metaphysical, often mystical conviction that Poland was destined to martyrdom, suffering innocently in order to redeem humankind. This belief, which survives even today, greatly influenced Polish national culture through the works of such writers as Adam Mickiewicz and Juliusz Slowacki.

It is against this background of fierce independence and national pride that Poland's current political system must be evaluated. The party faces a formidable obstacle to its efforts to establish the legitimacy of its governing role because of its perceived subservience to one of Poland's traditional enemies. If there is one thing that binds Poles together it is "russophobia," whether directed against the Tsarist Russia or Soviet Russia. Negative feelings toward the Soviet Union run deep in Polish society. A common occurrence in Polish drinking establishments,

[36] Pye, "Legitimacy Crisis," 155.
[37] Ibid., 156.

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especially among young people and students, is the robust singing of patriotic songs, some of the most popular of which praise the military victories of Pilsudski over Russian forces in 1919. The survey by *Paris Match* found that only 2 percent chose the USSR as the country considered to be Poland's best friend, a remarkable finding considering the extensive postwar propaganda efforts stressing the fraternal brotherhood of Communist states and portraying Russia as guarantor of Polish independence.[38]

Although anti-Russian feelings predate Soviet Russia and despite the goodwill generated by the Red Army's liberation of Poland from German occupation, Soviet activities during and after the war only reinforced existing negative feelings. Morrison has listed these activities as the following: the occupation in 1939 of large portions of eastern Poland and their annexation after the war; the deportation of between 1.5 and 1.7 million Poles to Russia during 1939–1941; the massacre of between 8,000 and 16,000 Polish officers during 1939–1942 (in the Katyn Forest and Soviet gulags); the failure of the Russian army to assist the Warsaw uprising and thereby prevent the destruction of Warsaw, when it was clearly within their means to do so; the behavior of Russian troops in Poland; the looting of factories and machinery; the imposition of an unwanted Communist regime; and the activities of the Soviet secret police in postwar Poland.[39] To these one can add that the appointment of Soviet Marshal Konstantin Rokossovsky as defense minister of Poland in 1949 (for seven years) was a supreme insult to Polish national pride. All told, Soviet repression during this period resulted in a loss of probably more than one-half million Polish citizens.[40]

In addition, the behavior of Polish Communists from 1918 to roughly 1938 greatly discredited the party in the eyes of the mass public. The Communist party was the only established party in Poland to oppose Poland's reemergence after World War I as an independent state, something for which four generations of Poles had previously fought and died. The party was also identified with the 1920 attempt by the Red Army to take Warsaw; it favored the giving up of eastern Poland to the Soviet Ukraine and Soviet Belorussia and the city of Wilno to Lithuania; and it refused to join the anti-Nazi underground in Poland until the Nazi attack on the USSR in June 1941.[41] These positions by the Communists, taken on behalf of "international communism," were seen by most Poles as treasonous.

Although this party was largely eliminated in 1939 when its leaders were summoned to Moscow and executed, the reconstituted party of postwar Poland continued to face difficulties in shaking its image as largely foreign and alien to Polish traditions and aspirations. In part this was due to the presence among the party's leadership of a number of people who had spent the war years in the USSR and

[38] Cau, "Un Sondage en Pologne," 34.
[39] Morrison, *Polish People's Republic,* 37–38; see also Matthews, "Renewal in Poland," 8.
[40] Staar, "Opposition Movement in Poland," 151.
[41] Kruszewski, "Nationalism and Politics," 156, 173, 174, 176.

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only returned to Poland with the Red Army in 1944.[42] These leaders, it has been argued, were "inherently unable to understand the nation they set out to rule, not having shared with it the grim, heroic and nationalistic wartime resistance."[43] Even though the party took a highly patriotic stand after World War II, it suffered from its legacy of obedience to the USSR and its lingering image as the instrument for reimposition of Russian rule, regardless of ideology. It is thus little wonder that Poland's Communist government has experienced difficulty in gaining the respect and confidence of Polish citizens.

The Ultimate Irony

The workers' movement known as *Solidarnosc* (Solidarity) that emerged during the strikes in the Baltic port cities in August 1980 brought into sharp focus the depth of the legitimacy crisis in Poland. In what must have been an embarrassing development for the party, Solidarity rapidly grew into a massive grassroots movement whose followers (about 10 million) previously formed the core of what the party claimed was its proletarian base. The ultimate irony of the movement is that it presented a direct challenge to the claim that the party speaks for the workers and that it alone can best represent workers' interests. The initial spark that brought on the strikes was the announcement of a government decision in June 1980 to end food subsidies and thereby substantially raise the cost of basic food items. With that decision, despite whatever economic imperative may have been involved, government exceeded the ever-tightening range of acceptability within which the workers had come to evaluate government actions. Evidence that this range of acceptability is intimately linked to the Polish legitimacy crisis is found in the list of demands presented to the government by the striking workers.

It is more than coincidental that those demands provide a checklist of the main areas of divergence between the values reflected in government and those held by Polish citizens. The single exception is the issue of independence from the dominance of Moscow. Solidarity was no doubt aware that only the most naive could ignore the geopolitical realities that constrain Poland from altering its ties with Russia. But for the first time in the long history of Polish public unrest, the striking workers demanded that the church be given access to radio and television. They demanded that the establishment of trade unions with the right to strike be permitted outside the formal structure of the party and government to assure workers that their interests would be represented at the seat of power. They specified that censorship be relaxed, giving the workers access to the media, and that harassment of political dissidents be ended. Citing numerous cases of official corrup-

[42] No doubt another factor was the large number of Jews in the party; Jews have never been seen by most Poles as really Polish. The anti-Semitic campaign of 1968 resulted in almost total indigenization of the Communist party and the expulsion of all but 7,000–10,000 Jews from Poland.

[43] Kruszewski, "Nationalism and Politics," 158.

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tion, the workers also demanded a general house cleaning of the party and government of those individuals who had used political power and position to gain personal wealth and privilege. Finally, along with demands for economic reform, Solidarity called for abolition of the system of privileges for security services and of special shops open only to police and party officials.

As these demands show, the workers are acutely aware of the gulf that separates them from the values reflected in government. The Soviet style of socialism and its system of supporting values have never fit Poland. As noted by Adam Bromke, "the Soviets have overestimated the linguistic and cultural affinities that they share with the Poles. In fact, in terms of history and political culture, the Poles are westerners."[44] Perhaps no one is more aware of this than Solidarity leader, Lech Walesa. In an extensive interview with a western magazine, he stated that "the system that was put into place here is as if you took someone to a place where it was very hot and dressed him in a heavy sheepskin. Poland was always a rather free country. We hobnobbed with France, England, America and others. All of a sudden, we were ordered to love something else. We have freedom, justice, and so forth, in our blood and no one can hold us captive."[45]

A survey of public opinion polls taken in Poland after August 1980 shows that the mass public, and especially members of Solidarity, uniformly reject their current system of government.[46] One poll conducted in June 1981 reported that 71 percent of Solidarity members favored major changes in the political system. Only 2 percent supported the current system and saw no need to change it. Confidence in the ruling PZPR was at a low ebb (only 32 percent) trailing virtually all major institutions in Polish society including the police. Most importantly, the party ranked lowest among such key groups as skilled and white collar workers and young people. Strongest support was expressed for such specific changes as: "more influence for the people, increased openness of public life, the elimination or reduction of special political privileges for the Communist party, democratic changes in the election process, enhancement of the role of representative groups, and the introduction of a system of rotating people occupying positions of authority in government."[47] The evidence is clear that Solidarity and the public wanted a broad liberalization and democratization of their society, which if successfully implemented could have blended the party into the mainstream of Polish values for the first time since the party came to power.

It became apparent soon after the Gdansk agreement, however, that significant liberalization and democratization were not to be. Although the party gave written promises to implement the accords, it consistently sought to take away in practice what it had given in negotiations. Not once did Solidarity overstep the contract

[44] Adam Bromke, "Poland: The Cliff's Edge," *Foreign Policy* 41 (Winter 1980–81): 162.

[45] "Interview with Lech Walesa," *Playboy,* February 1982, 66.

[46] Ludwik Dorn, "Polling the Poles: A Report from Solidarity HG," *Public Opinion* (August-September 1981): 5–7.

[47] Ibid., 6.

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agreed to in Gdansk during August 1980. But the party resisted implementing the specific terms of the agreement at virtually every opportunity. The police launched a nationwide campaign to restrict Solidarity through harassment of local union offices, house searches, confiscation and destruction of union property, and even physical threats and abuse.[48] Solidarity was forced to use its only weapon, the strike, in order to push repeatedly for implementation of concessions already agreed to. Government officials met infrequently with Solidarity leaders and then often "to announce their intention to renege on another provision of the Gdansk agreements."[49] When the government was forced by threat of strikes to the negotiating table, the negotiations were frequently characterized by the government breaking off talks, followed by warnings in the official press that Solidarity was pushing too hard and thus jeopardizing its legal status. From the outset Polish authorities seemed determined to repress Solidarity.

That the Solidarity movement presented the party and government with an opportunity to identify more closely with the principal value structure of Polish society is hard to dispute. Indeed, for Solidarity to succeed as a free union with the right to strike, a general democratization of political institutions and procedures was necessary. Adam Przeworski has observed:

> Independent unions cannot exist if there is no general freedon to associate, if censorship is so pervasive that members cannot communicate with each other through mass media, if the political system does not contain institutions where workers' claims could be presented to the society and through which workers' demands could be satisfied without reverting each time to the ultimate weapon, the strike.[50]

Solidarity was unable to force the party to devolve any of its power, partly because to do so would likely provoke Soviet intervention. The party, on the other hand, saw no real reason to devolve, since devolution would destroy its monopoly on power and the whole system of privilege deriving from it. The result was a paralyzing stalemate leading to the imposition of martial law.

Prospects and Implications

It is difficult to be optimistic about the prospects for stability and economic recovery in Poland. A profound melancholy has gripped the country. The survey conducted in November 1980 by *Paris Match* found that 75 percent of the respondents expressed a preference to live outside Poland.[51] Given Poland's deep nationalist tradition this must be taken as a serious indictment of conditions in Poland. If Poland is to overcome its problems and achieve a measure of stability, difficult and

[48] Gustaw Moczcz, "After Gdansk II: Solidarity's Rough Road Ahead," *The Nation,* 17 October 1981, 370.

[49] Ibid.

[50] Adam Przeworski, "'The Man of Iron' and the Men in Power in Poland," *PS* 15 (Winter 1982): 19.

[51] Cau, "Un Sondage en Pologne," 32–39.

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even painful adjustments must be made. Policies will have to be altered; political institutions and procedures modified; and new mechanisms fashioned to ensure public confidence in the government. Polish workers will not be content with changes that only serve as window dressing for the existing system.

Much depends, of course, on the actions and policies of the military government of General Wojciech Jaruzelski. There are two lines of reasoning or speculation on what might be the ultimate effect of Jaruzelski and martial law. One argues that in taking power the military was acting in a purely reactionary and predatory manner, seeking only to prevent a devolution of power and to protect the privileged position of party apparatchiks. If this is true, then Poland's future is indeed grim. It seems very unlikely that a permanent suppression of Solidarity is possible. The attempt to decapitate the union through imprisonment of its leaders or through intimidation, harrassment, and exile may have neutralized the Solidarity organization. But events over the past couple of years provide ample evidence that the Solidarity movement continues its hold on the hearts and minds of Polish citizens. The government cannot achieve long-term stability without the voluntary cooperation of the workers. Forced compliance can be accomplished, but the price will be continual strife and instability.

The second line of reasoning offers a bit more hope for the future of Poland. At the core of this viewpoint is the argument that Jaruzelski is a Polish nationalist and is acting in what he feels are Poland's national interests. Is it possible that the Polish army intervened in order to spare Poland a far worse fate at the hands of the Soviet army? If so, one can speculate on how events might evolve in the near term, recognizing that such speculation is hazardous at best. To undertake such speculation, one must begin with the public's perception of the Polish army in historical context. Dale R. Herspring has observed that the Polish "armed forces have been viewed primarily as serving the interests of the Polish nation, while the police/security apparatus generally is seen as the servant of the state."[52] Similarly, Jerzy Wiatr argues that "the Polish national hero is typically a military man, distinguished by his sacrifice in the struggle for the future of his country."[53] This perception of the armed forces as defenders of Polish nationhood continues today. The Polish army's behavior in previous crises in postwar Poland buttressed this perception. In 1956 the army backed the party's resistance to Moscow's efforts to prevent the popular Wladyslaw Gomulka from becoming party first secretary and thereby ensured his election. It has been widely rumored that during the 1970 riots in Gdansk the army assured the neutrality of Soviet forces. Further, many Poles believe that the army's refusal to forcibly suppress the 1980 Gdansk strike

[52] Dale R. Herspring, "The Polish Military and the Policy Process" in Simon and Kanet, eds., *Background to Crisis,* 227.

[53] Jerzy Wiatr, "The Public Image of the Polish Military: Past and Present" in Catherine M. Kelleher, ed., *Political-Military Systems: Comparative Perspectives* (Beverly Hills, Calif.: Sage Publications, 1974), 199.

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was a major factor in the eventual compromise with the workers, and Jaruzelski is given much of the credit for this.

In fact, in every major worker protest since the Communists came to power, the army has steadfastly refused to fire on Polish workers.[54] It is not completely clear whether or how much this image has been tarnished since martial law was imposed. All available evidence suggests, however, that regular army troops were not used to suppress those workers who initially resisted martial law. That assignment apparently was given exclusively to special security forces (ZOMO) created in 1981. If this is so, Jaruzelski must be credited with achieving a double victory: suppression of Solidarity while preserving the cherished national image of the army.

The most that can be hoped for in the current crisis, therefore, is that the army is indeed fulfilling what it perceives as its historical role as guardian of the nation. From this perspective, martial law might be seen as a reluctant, even painful, decision by Jaruzelski. It is possible, although this is far from certain, that he intends to use martial law as an instrument to bring genuine reform to the economy, to ensure the preservation of some of the concessions granted the workers since August 1980, and perhaps even to force the party into some devolution of power. Some indication of his intentions with regard to the latter may be seen in the noticeable absence of party officials in the day-to-day affairs of Poland since martial law. Military officers have moved into virtually every level of government, taking over where previously the party gentry held sway.

What the future holds for Solidarity, however, is still very much in doubt. It is extremely unlikely that it will be reinstated in its previous form—that is, as a nationally organized popular movement. Perhaps Solidarity will reemerge under new leadership with some of its gains preserved, but organized only along regional lines or within specific industries. Jaruzelski no doubt understands the futility of trying to govern a country in which the majority of the people are angry and hostile. Some accommodation with the workers is still necessary. Martial law did not and cannot change that. The government rather quickly attempted to soften some of the harsher aspects of martial law by easing up on communication and travel restrictions. Also, the first weekly publication permitted to resume operation was *Polityka*, a liberal newspaper that had previously supported democratization efforts.

Whether this means that Jaruzelski intends eventually to go forward with liberalization and democratization of the political system remains to be seen. To do so, however, would require major changes not only within Poland but in the way Moscow views its relationship with Poland. The Soviets made no secret of their distaste for Solidarity and their profound alarm that Polish authorities seemed unwilling or unable to shackle it. Soviet officials were also deeply worried about a possible contagion effect in neighboring countries and among their own workers. It is an open question whether *glasnost* will foster sufficient tolerance in Moscow

[54] Herspring, "Polish Military," 228.

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for the kind of political liberalization necessary to bring lasting stability to Poland. Such changes are probably still seen within the Kremlin as a threat to their ability to control not just Poland but the rest of East Europe.

The wider implications of the Polish experience for other East European states are therefore significant, and Moscow cannot be unconcerned. Legitimacy problems are present in many of Poland's neighbors and the potential exists for serious instability. To head off such developments and avoid a showdown over political liberalization, the Soviets are likely to permit some economic liberalization in the hope that improved economic performance will prevent Polish-style ruptures from happening elsewhere. After all, East Europe has become a growing economic burden to the Soviet Union. Such a strategy, however, is fraught with danger. Economic trends point to more belt tightening for the consumer in East Europe and the continued inability of the ruling elites to meet accelerating expectations. As the foregoing analysis of Poland has shown, the tolerance level of the mass public is severely lowered in situations where the legitimacy of government is in question. Seemingly minor economic setbacks can easily spark mass unrest.

It is clear that ongoing political and social stability can never be achieved in Poland, or in East Europe more generally, until political institutions and procedures conform more closely to the mainstream of national values and traditions. However, General Jaruzelski, along with leaders in other satellite countries, must often perform an almost impossible stunt: satisfy minimal Soviet demands and harmonize them as much as possible with national interests and demands. To achieve this, one would think, is a task for a divinity, not a mortal man like Jaruzelski. But then, and only then, will the pattern of crisis be broken and the trust and respect of the mass public be achieved.*

* This research has benefited from the very helpful comments of Cal Clark, Ivan Volgyes, and several members of the political science department of Warsaw University. They are, of course, in no way responsible for the arguments and conclusions contained herein.

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Foreign Investments in Less Developed Regions

JOHN R. ONEAL

The profitability of foreign investments in the periphery of the modern, capitalist system is important in the study of imperialism and dependency and, through these intermediary subjects, of the causes of war and revolution. It is also relevant to theories regarding the multinational corporation, international markets, and modernization and economic development. To shed light on these subjects, this article assesses the profitability of foreign investments in less developed regions by examining two cases of special relevance: the experience of British capitalists during the high age of imperialism in the late nineteenth and early twentieth centuries and the operations of U.S. multinational corporations after World War II. For each period the return on foreign investments in the less developed areas will be compared to that earned on such investments in the developed countries. These cases were chosen because of the political, military, and economic preeminence of Britain prior to World War I and the United States today. If great national power produces material benefits for investors, it should be apparent in these cases.

The British Experience before World War I

In considering the profitability of British investments in the periphery during the half-century before 1914, attention will be paid first to the distribution of investments by geographical location and type. These are relevant considerations for two reasons. First, the distribution of capital indicates investors' expectations regarding the relative profitability of alternative investment sites and financial in-

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TABLE 1

Distribution of British Capital Abroad, 1914[1]

	Percent
United States	20
Canada, Australia, New Zealand	25
Latin America	20
India and Ceylon	10
South Africa	10
Europe	6
African and Asian colonies	5
Other areas	4

struments, if they truly seek to maximize their profits. Second, an overview of investors' preferences shows which investments may be considered representative, warranting closer examination.

During the high age of imperialism, British capitalists sent a phenomenal amount of money abroad. From 1864 to 1914, 4 percent of Britain's national income was invested abroad; and for the decade-long boom just prior to World War I, the rate reached nearly 7 percent.[2] To put these figures in perspective, the United States invested less than 1 percent of its gross national product in foreign countries during the 1970s.

Several characteristics of this distribution should be noted. First, the bulk of British foreign investments was located in other economically advanced areas. Despite the importance of India and Latin America, especially Argentina, most British capital was not invested in less developed regions. Three regions of recent settlement – North America, Australia, and New Zealand – that had attracted the majority of British emigrants drew nearly half of British foreign capital. Much of this money was actually carried abroad by settlers; but more was drawn by the economic prospects of rich resources in English-speaking lands with familiar cultural and legal traditions.[3] Nor were colonial dependencies preferred investment sites. Less than half of British foreign capital was within the empire, and less than half of that was in areas where exploitation or imperial advantage might be considered substantial – India, South Africa, and the dependent colonies. Contrary

[1] Feis, *Europe*, 17–23; Matthew Simon, "The Pattern of New British Portfolio Investment, 1865–1914" in A. R. Hall, ed., *The Export of Capital from Britain 1870–1914* (London: Methuen, 1968), 22–23; Michael Barratt Brown, *After Imperialism* (London: Heinemann, 1963), 93–94 and 99; and Winfried Baumgart, *Imperialism: The Idea and Reality of British and French Colonial Expansion, 1880–1914* (Oxford, England: Oxford University Press, 1982), 125.

[2] Ragnar Nurkse, "The Problem of International Investment Today in the Light of Nineteenth-Century Experience," *Economic Journal* 64 (December 1954): 745; and Herbert Feis, *Europe: The World's Banker, 1870–1914* (New York: Augustus M. Kelley, 1964), 5.

[3] Nurkse, "Problem of International Investment," 745–746; and Michael Edelstein, *Overseas Investment in the Age of High Imperialism: The United Kingdom, 1850–1914* (New York: Columbia University Press, 1982), 100.

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to J. A. Hobson's and V. I. Lenin's theory of imperialism, very little capital was placed in the portions of Africa and Asia colonized after 1870.[4] Finally, the importance of the United States, which passed Great Britain in manufacturing production in the early 1880s, is especially noteworthy. Apparently, the availability of attractive ventures in this growing, developed country more than counterbalanced any economic advantages, real or imagined, of investing in the empire.[5]

In the years before the world war, British foreign investments were usually not direct and consisted of financial instruments bought through a London exchange and denominated in pounds sterling. Bonds were most popular throughout the period, though the composition of the British portfolio did change. In 1870, government bonds and preferred stocks were the most common investment instruments; but by 1914, railway bonds had displaced loans to governments in investors' favor, and common stocks had gained significantly.[6] By project, capital was concentrated in the construction of economic infrastructure worldwide, facilities often used for transporting agricultural products and natural resources to Britain.[7] Railroads alone accounted for 41 percent of all capital sent abroad between 1865 and 1914. Twenty-eight percent was in utilities; 12 percent in agriculture and mining; less than 4 percent in manufacturing; and 15 percent in real estate, banking, and related enterprises.[8] Only 4 percent was invested in manufacturing, in part because low tariffs around the world encouraged trade rather than foreign investment. As barriers to trade increased late in the nineteenth century, direct investment in foreign manufacturing grew.[9] In addition, opportunities for production within the less developed regions were limited.[10]

[4] J. A. Hobson, *Imperialism* (Ann Arbor: University of Michigan Press, 1965), chap. VI; V. I. Lenin, "Imperialism, the Highest Stage of Capitalism," *Collected Works*, vol. 22 (Moscow: Progress Publishers, 1964), 200–202, 240–241, and 255–257; and Rajan Menon and John R. Oneal, "Explaining Imperialism: The State of the Art as Reflected in Three Theories," *Polity* 19 (Winter 1986): 169–193.

[5] Robert Gilpin, *U.S. Power and the Multinational Corporation* (New York: Basic Books, 1975), 89; Simon, "Pattern of New British Portfolio Investment," 24–27; and Edelstein, *Overseas Investment*, 41.

[6] A. K. Cairncross, *Home and Foreign Investment, 1870–1913* (Cambridge, England: Cambridge University Press, 1953), 226; Matthew Simon, "The Enterprise and Industrial Composition of New British Portfolio Foreign Investment, 1865–1914," *Journal of Development Studies* 3 (April 1967): 283–285; Albert H. Imlah, "British Balance of Payments and Export of Capital, 1816–1913," *Economic History Review* 5 (1952): 223; and R. A. Lehfeldt, "The Rate of Interest on British and Foreign Investments," *Journal of the Royal Statistical Society* 76 (January 1913): 197.

[7] Ragnar Nurkse, *Problems of Capital Formation in Underdeveloped Countries* (New York: Oxford University Press, 1953), 86; and Imlah, "British Balance of Payments," 183.

[8] Edelstein, *Overseas Investment*, 37–38; Nurkse, "Problem of International Investment," 747–750; and Simon, "Enterprise and Industrial Composition," 290. On the importance of railways in British investments in Latin America, see J. Fred Rippy, *British Investments in Latin America, 1822–1949* (Minneapolis: University of Minnesota Press, 1959), 68.

[9] Nurkse, "Problem of International Investment," 751; and Edelstein, *Overseas Investment*, 42–43.

[10] Only 0.7 percent of new investments in India went to manufacturing in this period. Simon, "Enterprise and Industrial Composition," 87. See also Vathsala Mani, *Foreign Capital and Economic Development* (New Delhi: Vathsala Mani, 1978), 50 and 56ff; and Amiya Kumar Bagchi, *Private Investment in India, 1900–1939* (Cambridge, England: Cambridge University Press, 1972), 23 and 67.

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TABLE 2

Return on Government Bonds, 1870–1879[11]

Britain, the Consol	3.8%
India	4.4
Other foreign	6.1
United States	7.5

Return on Railway Debentures, 1870–1879[13]

Canadian	2.1%
Continental European	5.5
British	6.1
Indian	6.3
United States	9.3
South American	9.7

In the fifty years before World War I, British investments abroad did yield greater returns than capital domestically employed;[12] but it cannot be inferred that returns in the periphery, inside or outside the empire, were greater than those at home, because so much capital was attracted to the United States and the English-speaking dominions. In fact, the returns on U.S. government and railway bonds were quite high, as shown in Table 2. The figures reported are the net average annual return in pounds sterling with capital gains and losses included. The figures show that British investors did not do consistently better by investing in less developed regions. Returns on the same issues for the single year 1907 corroborate this conclusion.[14]

In his classic study of British investment at home and abroad, A. K. Cairncross provided additional information that permits a comparison of the total returns realized by British investors during the 1870s on government bonds issued by developed and developing countries. The total market value of British holdings of

[11] Imlah, "British Balance of Payments," 223; and Cairncross, *Home and Foreign Investment*, 230.

[12] Edelstein, *Overseas Investment*, 122–125, 145, and 157–158; Cairncross, *Home and Foreign Investment*, 226–230; Feis, *Europe*, 4; and Leland H. Jenks, "British Experience with Foreign Investments," *Journal of Economic History* 4 (December 1944): 69. See also Lance E. Davis and Robert A. Huttenback, "The Political Economy of British Imperialism: Measures of Benefits and Support," *Journal of Economic History* 42 (March 1982): 124–125.

[13] Cairncross, *Home and Foreign Investment*, 138 and 229; see also Edelstein, *Overseas Investment*, 133–135 for the real, risk-adjusted yields of these investments. American railroad bonds were not without risk, however. From 1834 to 1874, 108 U.S. lines defaulted on bonds totalling $498 million; but by the 1880s, "it had become an established principle that any large portfolio should contain some first-class American railway bonds because they paid better than, and were practically as safe as, home railway debentures." Dorothy R. Adler, *British Investment in American Railways, 1834–1898* (Charlottesville: University Press of Virginia, 1970), 197. See also ibid., 77 and 159; Edelstein, *Overseas Investment*, 109–110.

[14] Imlah, "British Balance of Payments," 223.

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the bonds of economically advanced nations in 1870 was £212.5 million, and the net average annual return on this amount over the next decade was 7.3 percent. The bonds of less developed nations totalled £196 million, but the average yield was only 3.4 percent because of major defaults by Turkey, Mexico, Honduras, and some of the smaller South American republics.[15] The return on British government bonds, the Consol, averaged 3.8 percent in the same period. The losses on foreign bonds—primarily those of less developed countries, though Spain too defaulted—were "sufficient to deter the majority of investors, for some years, from sending their capital abroad."[16] Eventually, 50 percent of the lost capital was recovered. In 1888, British capitalists suffered even greater losses on their investments in the periphery due to the insolvency of various Argentine governmental agencies. This time "[m]ore than half of the capital invested in foreign countries in 1888 was affected . . . ."[17] Forty percent of the funds involved was still unrecovered ten years later, and some was not repaid until the mid-1900s. Of course, all investments entail some risk; but holders of the bonds of less developed countries were most vulnerable.[18]

From 1888 to 1912, bonds issued within the empire generally did earn a slightly higher rate of return than such domestic instruments, but less than foreign bonds. The average yields were 3.44 percent for domestics, 3.63 percent for colonials, and 4.06 percent for foreign issues. For a third of the years surveyed, colonial bonds yielded less than home issues. As R. A. Lehfeldt noted in 1913 when presenting these figures, "[m]oney invested . . . in the Colonies, brings to the British capitalist very little more interest than what is invested at home."[19] From 1880 to 1912, the average annual rate of return on equity of companies operating in the empire was lower than for those whose operations were in Great Britain or in foreign countries. Enterprises within the empire yielded 7.6 percent on average; those elsewhere abroad, 9.2 percent; and domestic corporations, 9.1 percent. Returns on equity in the empire prior to 1880, when relatively few firms were operating, were higher than at home; but as capital flowed overseas and competition increased, rates declined dramatically. In addition, the variability of returns was greater in the empire than elsewhere.[20]

[15] In the order of the size of British holdings, the advanced countries are the United States, France, Holland, Spain, Italy, and other smaller European states. The less advanced countries are India, Russia, Turkey, Egypt, Peru, Brazil, Portugal, Argentina, Chile, Honduras, Mexico, and other South American countries. Cairncross, *Home and Foreign Investment*, 229.

[16] Ibid., 228–230. Fifty-eight percent of Latin American governments' bonds were in default in 1880. Except for intermittent periods, the obligations of the governments of Latin America were not good investments from 1821 on. Rippy, *British Investments*, 31–32, 38, and 72.

[17] Lehfeldt, "Rate of Interest," 202. See also Edelstein, *Overseas Investment*, 129.

[18] Lehfeldt, "Rate of Interest," 200–202; ibid., March 1913, 415–416; Brown, *After Imperialism*, 86. The rate of failure for all enterprises abroad was perhaps one-third greater than for those in Great Britain. Edelstein, *Overseas Investment*, 130.

[19] Lehfeldt, "Rate of Interest," January 1913, 204.

[20] Davis and Huttenback, "Political Economy," 122–125. Edelstein, *Overseas Investment*, 113–121, 139, and 159, reports greater variability in returns from abroad.

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As noted, British foreign investment in the periphery was especially drawn to Latin America and within the empire to south Asia. Investments in these areas, therefore, should be considered more closely. For India, the returns on both railway bonds and the debt of the Indian government were moderate, which reflected the security of these investment alternatives. The colonial government in India paid less than most first-class British borrowers because of its fiscal conservatism. Tenders for one Indian loan were about three times the amount to be issued. A contemporary commentator considered this "pretty satisfactory proof that there is abundance of money awaiting a perfectly safe investment, even at the somewhat moderate interest of 4 percent."[21] Nationalist sentiment, too, may have encouraged investment in the empire, lowering rates marginally.[22]

To raise money for the construction of the Indian rail system, subsidies from the colonial government proved essential, however. Free rights-of-way were furnished, and a 5 percent annual return was guaranteed to investors in rail lines built between 1850 and 1868. The government was to receive half of any profits in excess of 5 percent; but in actuality, revenues were low, averaging only 3.05 percent on invested capital in 1869, for example. Because of the government's guarantees, Indian rail stocks provided "a steady, safe return rather than the more doubtful prospect of high profits;"[23] but the system proved too costly. As a result, the government of India nationalized virtually all lines in the years after 1870. By 1913, only 15 percent of Indian railways were still privately held, and these were subsidized in almost all cases.[24]

With regard to British investments in Latin America, government bonds proved very unreliable. Rails and utilities, on the other hand, generally brought high returns. The greatest profitability, however, was in the extractive industries, especially nitrate mining. Perhaps the most successful mining firms were Liverpool Nitrate, which yielded an annual average return of 56 percent on nominal capital from 1885 to 1925, and London Nitrate, which returned 179 percent annually from 1888 to 1892. According to Fred Rippy, such exceptional profits, and probably those of other companies operating in the natural resource sector, were due in part to cartelization and stock manipulation. Despite this, "there were twice as many British-controlled nitrate enterprises which returned either very modest dividends or almost none."[25]

[21] Council of Foreign Bondholders, "Press Cutting Books," *India and Ceylon*, 1874–1898, vol. 1, 4. See also Cairncross, *Home and Foreign Investment*, 227, 231.

[22] Baumgart, *Imperialism*, 125.

[23] W. J. MacPherson, "Investment in Indian Railways, 1845–1875," *Economic History Review* 8 (December 1955): 181.

[24] Raymond W. Goldsmith, *The Financial Development of India, 1860–1977* (New Haven: Yale University Press, 1983), 57–59; and Daniel Thorner, "Great Britain and the Development of India's Railways," *Journal of Economic History* 11 (Fall 1951): 392–394.

[25] Rippy, *British Investments*, 65. See also ibid., 51–55, 61–65, and 174ff; and Davis and Huttenback, "Political Economy," 122. The return on South African gold-mining equity averaged only 2.1 percent annually between 1887 and 1913. Edelstein, *Overseas Investment*, 335 n16. Regarding the high

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Other speculative investments abroad also occasionally returned unusual profits in the years before World War I. Cairncross observed:

> The figures for banks suggest that there may have been some kinds of foreign investments—of a sort which a well-informed investor might choose—which paid even more handsomely than foreign railways. But the market for home industrials was probably equally imperfect; . . . Private investments in shipping and mercantile establishments, foreign banks, and so on increased rapidly before the war, and may fairly be assumed to have earned large profits. Investments in rubber estates, oil companies, jute mills, gold and diamond mines, land and mortgage companies, also formed an increasing proportion of our foreign investments, and paid, on average, high rates of dividend.[26]

Many of these high yielding investments were located in the less developed regions. For example, one source reports that jute plantations in India and Ceylon yielded 60–70 percent annually after 1895, with peak years exceeding 100 percent; and the cultivation of tea routinely returned 20–30 percent per year.[27] But N. Ramachandran has argued that these figures are inflated, because plants were not amortized. Dividends, then, were in part returned capital, not profits. As a result, Ramachandran concluded that only a minority of the tea plantations in colonial Ceylon made a return on capital commensurate with the risk involved.[28] While British investors surely made exceptional profits in the periphery on occasion, speculation also carried the risk of substantial loss—as mining investments in Argentina, Uruguay, and the Dominican Republic and gold mining and silk production in India showed.[29]

The Experience of U.S. Multinational Corporations after World War II

As before, the distribution of capital abroad will be examined before the profitability of representative sectors is considered. Not surprisingly, in light of the British case, American investors in the postwar era have placed their capital primarily in other economically advanced countries. In fact, more than half of U.S. direct foreign investment today is located in only five countries: Canada, Great Britain,

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risks and low profits of copper mining in Chile in the late nineteenth century, see Theodore H. Moran, *Multinational Corporations and the Politics of Dependence* (Princeton, N.J.: Princeton University Press, 1974), 21.

[26] Cairncross, *Home and Foreign Investment*, 231. See also Davis and Huttenback, "Political Economy," 123–124; Edelstein, *Overseas Investment*, 136; and Rippy, *British Investments*, 67.

[27] Mani, *Foreign Capital*, 59 and 69; but on the profitability of jute production, also see Bagchi, *Private Investment*, 165. Plantations accounted for 6.5 percent of British investments in India and Ceylon in 1910. K. C. Bhandari, *The Role of Foreign Capital in Indian Economy and Its Future* (Agra, India: Lashmi Narain Agarwal, 1949), 32.

[28] N. Ramachandran, *Foreign Plantation Investment in Ceylon, 1889–1958* (Colombo, Ceylon: Central Bank of Ceylon, 1963), 41–42, 107, and 177.

[29] Council of Foreign Bondholders, *India and Ceylon*, vol. XII, 2 and 3; and Rippy, *British Investments*, 51. See Richard D. Wolfe, *The Economics of Colonialism: Britain and Kenya, 1870–1930* (New Haven: Yale University Press, 1974), 82–88 regarding agricultural failures in Kenya.

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Germany, Switzerland, and the Netherlands. This concentration of capital in other developed countries represents, however, a dramatic change. From 1897 to 1951, 50–55 percent of U.S. direct investment abroad was located in Latin America, Asia, and Africa. In 1950 Latin America alone held 39 percent of American capital directly invested overseas, more than any other region; but this proportion has steadily declined to 15 percent in 1982.[30] While the region is still the most important site for U.S. capital in the Third World, investment in the developed countries has grown at a rate 50 percent faster than in Latin America.[31]

In the postwar period, American investors, primarily multinational corporations, have been especially involved in manufacturing and the extraction of raw materials. In the early years these activities were concentrated in the developed and developing countries respectively; but this neat categorization has become substantially less accurate. By 1982, 24 percent of American direct investment in the developed nations was allocated to the petroleum and mining industries, while 36 percent of investment in the less developed countries was in manufacturing. In Latin America, manufacturing accounts for nearly half of accumulated U.S. direct investment. This growth in manufacturing is reflected in the importance of Brazil and Mexico, in which 65 percent of American foreign direct investment in Latin America is now located. The manufacturers operating in the developing countries are generally not those whose products are the most technologically sophisticated.[32]

Until the mid-1970s, most capital sent abroad was invested directly. In the 1960s and 1970s, approximately 60 percent of all U.S. investment outside the country was of this type; but since American banks began recycling OPEC's earnings, private loans have grown dramatically in importance, especially for the less developed countries. In 1978, private bank loans accounted for 35 percent of total overseas capital and more than 50 percent of that in the periphery.[33]

In assessing the profitability of U.S. investments in the less developed countries, attention will be focused on direct investments in mining and manufacturing, because these have been the principal outlets for American funds going abroad for most of the postwar period. Regionally, special consideration will be given to Latin America, because on average it has accounted for three-quarters of U.S. capital

[30] U.S. Department of Commerce, *Survey of Current Business* 63 (August 1983): 24; and Albert Szymanski, *The Logic of Imperialism* (New York: Praeger, 1981), 130–132. All figures cited hereafter regarding the position or profitability of U.S. direct foreign investments unless otherwise attributed are derived from data in the *Survey of Current Business* or in U.S. Department of Commerce, *Selected Data on U.S. Direct Investment Abroad, 1950–76*, February 1982.

[31] Obie G. Whichard, "Trends in the U.S. Direct Investment Position Abroad, 1950–79," *Survey of Current Business* 61 (February 1981): 41.

[32] Robert E. Grosse, *Foreign Investment Codes and the Location of Direct Investment* (New York: Praeger, 1980), 6, 15, and 127; Grant Ruber et al., *Private Foreign Investment in Development* (Oxford, England: Clarendon, 1973), 256; and Deepak Lal, *Appraising Foreign Investment in Developing Countries* (New York: Holmes and Meier, 1975), 22.

[33] Szymanski, *Logic of Imperialism*, 130–131; and *The Economist*, 3 October 1981, 82.

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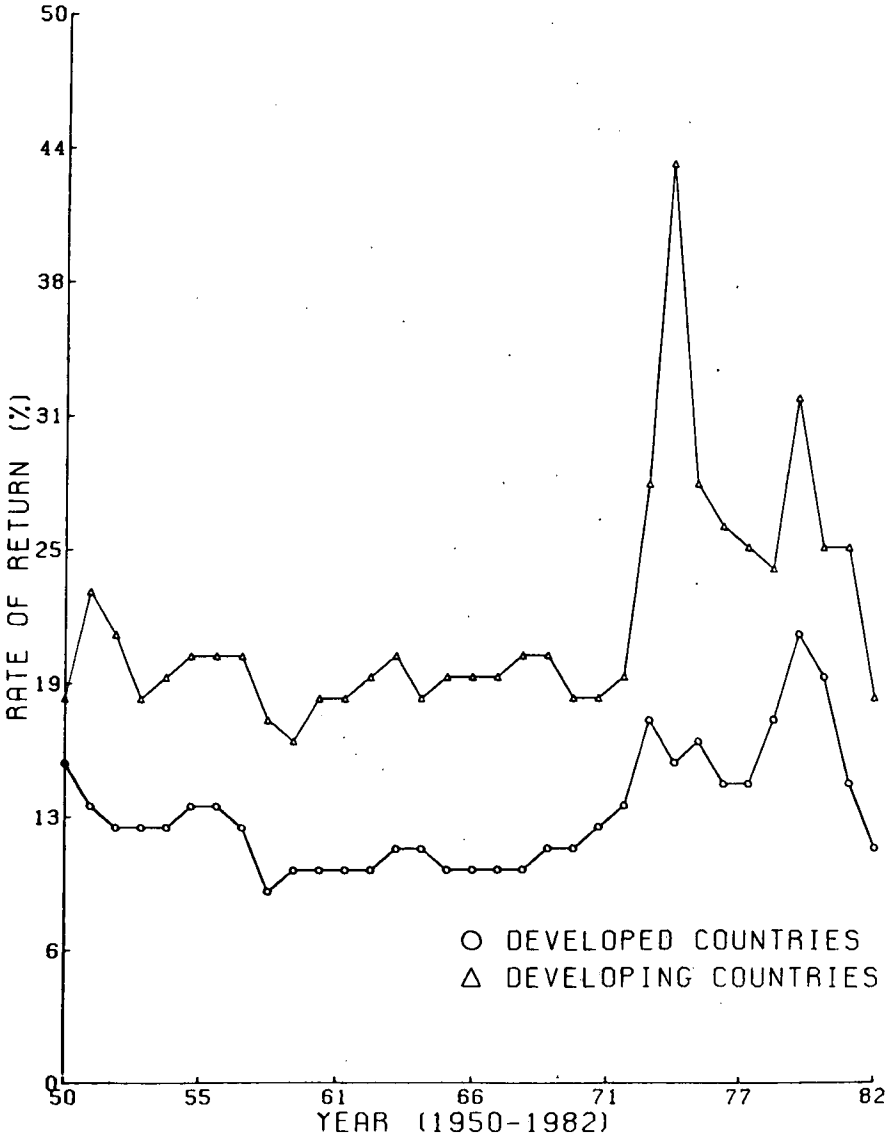
FIGURE 1
Return on All U.S. Investments



in the Third World between 1950 and 1982. Furthermore, particular attention to investors' experiences in Latin America seems warranted by the Latin origins of dependency theory and the emphasis these theorists place on the role of the multinational corporations in explaining U.S. neocolonialism.

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This regional focus also eliminates the distorting influence of American petroleum operations in the Middle East. If all investments in all regions are considered, the broad return on investment—income after foreign taxes plus fees and royalties divided by total position including equity and debt—has been much higher in developing than in developed countries, as shown in Figure 1.[34] The average return on all investments in the less developed countries has been 19.5 percent versus 10.6 percent in the advanced countries. These figures are misleading, however, because of the influence of American petroleum interests in the Middle East and the basis on which returns in this industry are calculated. For example, affiliates of U. S. oil companies in the developing countries earned 50.4 percent on capital in 1966 and 52.7 percent in 1970, compared with 2.2 percent and 3.5 percent, respectively, in the developed countries. These very high rates of return in the periphery, however, "primarily result" from the valuation of sales according to posted prices established for tax purposes.[35] Because these official prices have exceeded the market price of oil, income has been transferred from refiners and marketing subsidiaries, located mostly in the advanced countries, and overstated in the developing areas. The effect of eliminating the petroleum industry from consideration is clearly revealed in Figure 2. With oil investments excluded, the average return on U.S. capital abroad, 1950–1982, was 14.2 percent in the periphery and 14.0 percent in the developed countries with all fees, royalties, and other charges included.

For Latin America, the simple return on all U.S. direct investment—including petroleum, mining, manufacturing, etc.—averaged 12.6 percent in the postwar years, 2.0 percent higher than was achieved on all investments in the economically advanced countries.[36] If fees, royalties, and other charges are added to income, the difference in return is reduced to 1.5 percent. If the petroleum industry is excluded, however, the relative profitability of capital in the two groups of countries is reversed: 12.3 percent having been earned on average in Latin America and 14.1 percent in the developed countries. Though numerous studies show that corporations take economic and political risks into account in planning their investments,[37] this indicates that the average return in Latin America on all capital outside the petroleum industry has not been commensurate with the risks involved.

[34] Regarding the computation of profitability, see Robert B. Leftwich, "U. S. Multinational Companies: Profitability, Financial Leverage, and Effective Income Tax Rates," *Survey of Current Business* 74 (May 1974): 31; and also Marie E. Wicks Kelly and George C. Phillippatos, "Comparative Analysis of the Foreign Investment Evaluation Practices by U.S.-Based Manufacturing Multinational Corporations," *Journal of International Business Studies* 13 (Winter 1982): 22–23.

[35] Leftwich, "U.S. Multinational Companies," 31. The profits of the international petroleum companies can be considered a transfer of wealth from Western Europe and Japan, rather than the developing world, to the United States. Szymanski, *Logic of Imperialism*, 166.

[36] In calculating rates of return for Latin America, "Latin American Republics" have been used to eliminate tax havens in the Bahamas and the Netherland Antilles.

[37] Lars H. Thunnell, *Political Risks in International Business* (New York: Praeger, 1977), 8, 60, and 89; Alan C. Brennglass, *The Overseas Private Investment Corporation* (New York: Praeger, 1983), 16; and Grosse, *Foreign Investment Codes, 61.*

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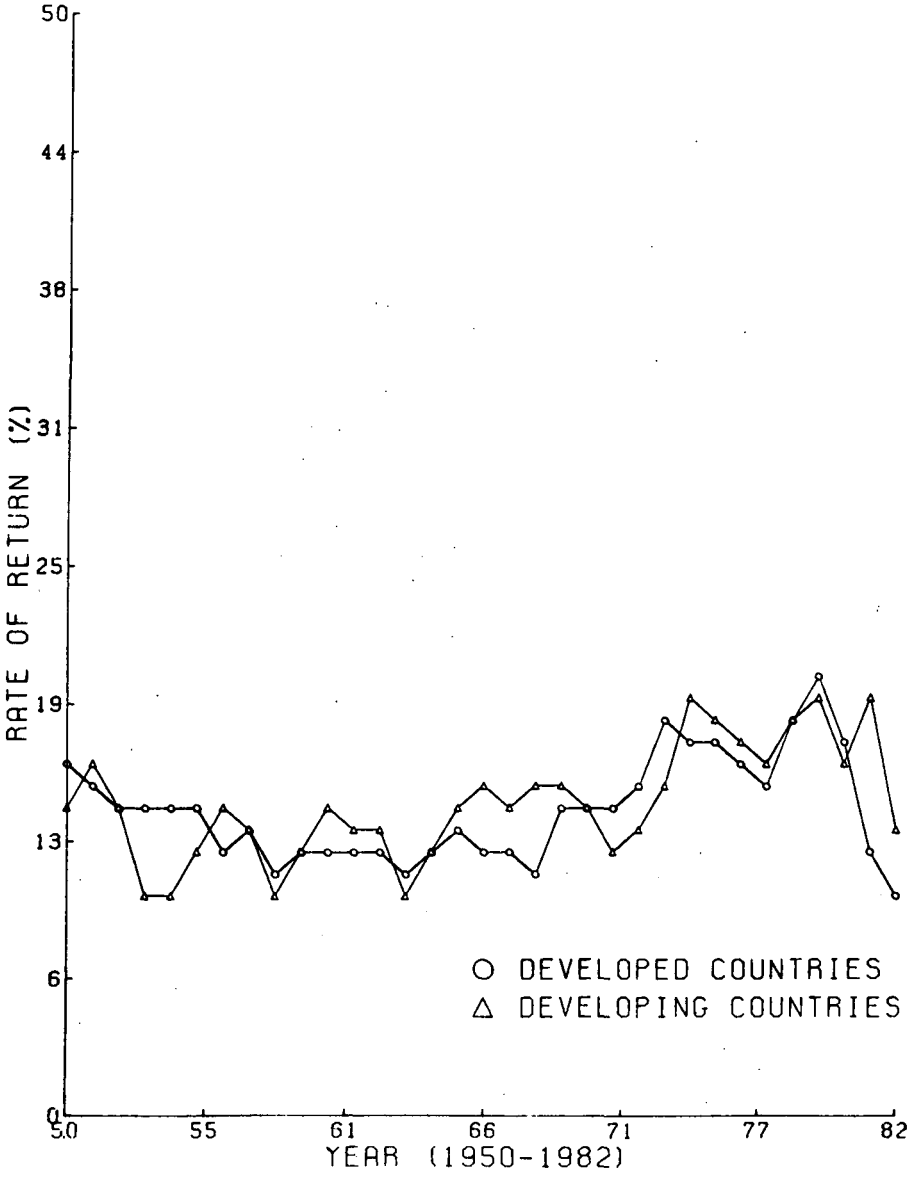
FIGURE 2
Return on Non-Petroleum U.S. Investments



A more complete picture of the profitability of investments in less developed regions is provided by comparing returns in manufacturing and in mining. As previously noted, the production of manufactured goods has increased significantly in the Third World in recent years, particularly in Latin America. There, the propor-

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tion of U.S. direct investment in manufacturing increased from 17 percent in 1950 to 47 percent in 1982; and the average return was 10.2 percent per annum. This was less than was achieved in the developed countries, where the yield in the manufacturing sector was 12.2 percent. If royalties, fees, etc. are included, the difference increases. Using this broad measure of return, manufacturing in the advanced economies yielded on average 15.1 percent annually versus 12.1 percent in Latin America. U.S. manufacturing investments in Latin America have been slightly less profitable than similar projects elsewhere in the developing world, but capital employed in manufacturing in the developing countries as a whole still earned only 85 percent as much on each dollar invested as in the advanced economies. According to Grant Reuber and his associates, production in the Third World for consumption in local markets in the Third World has often proved unprofitable; but manufacturing for export to the developed countries has generally yielded high returns from an early stage.[38]

Investments in mining in less developed countries have been exceptionally remunerative, as dependency theorists have argued. Since 1950 the return on American mining capital averaged 10.6 percent annually in the advanced countries, 12.3 percent in Latin America, and 14.1 percent in the developing countries as a whole. If all fees, royalties, and charges are added, mining investments in the periphery appear significantly more profitable, yielding nearly 150 percent of the return realized in the developed countries.[39] This has not affected investment levels as would be expected, however. The U.S. position in the developing countries has grown over the postwar period, but more slowly than in the developed countries. From 1950 to 1982, the proportion of direct American foreign investment in mining located in the periphery declined from 64 percent to 43 percent. The stake in Latin America, too, diminished in relative importance. In 1982 the region held 35 percent of the U.S. direct foreign investment in mining, down from 59 percent in 1950. The proportion of the mining companies' operations located in the less developed countries may decline further, since their search for new deposits in recent years has been heavily concentrated in the United States, Canada, and Australia, as well as South Africa.[40]

How is this unresponsiveness of capital to high rates of return to be explained? Regardless of political orientation, analysts agree that investors' perceptions of political risks have been crucial.[41] The late 1960s and early 1970s were a turning

[38] Reuber et al., *Private Foreign Investment*, 73–74.

[39] See Rex Bosson and Bension Varon, *The Mining Industry and the Developing Countries* (New York: Oxford University Press, 1977), 52, in addition to the Department of Commerce publications cited in note 28.

[40] Bosson and Varon, *Mining Industry*, 202; and Michael Shafer, "Mineral Myths," *Foreign Policy* 47 (Summer 1982): 167. See Moran, *Multinational Corporations*, 228–229 for evidence that copper companies are concentrating their exploration outside the Third World.

[41] Stephen D. Krasner, *Defending the National Interest* (Princeton, N.J.: Princeton University Press, 1978), 143; Pierre Jalee, *Imperialism in the Seventies*, Raymond and Margaret Sokolov, trans. (New York: The Third Press, 1972), 76 and 93; Eric Baklanoff, *Expropriation of U.S. Investments in Cuba,*

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point in relations between the mining industry and countries in the periphery. Mineral-producing nations formed cartels for copper, bauxite, and iron, raising fears of confrontations like those actually experienced with the oil-exporting countries; and in fact, major expropriations of copper facilities did occur in Zaire, Chile, Zambia, and Peru between 1967 and 1973.[42] Though nationalization did not always result, revision of the terms for investment, the "obsolescing bargain," did lead in this transitional period to tax rates of 60–70 percent for most operations, with rates on some older concessions above 80 percent.[43] As a result, the stock of U.S. investments in mining in Latin America in 1980 was less than in 1968. Rates of return during this period declined in developing regions but increased in developed countries. For the ten years after 1972, income plus fees and royalties as a percentage of position (debt and equity) was 12.4 percent in the developed countries, 15.5 percent in Latin America, and 14.2 percent in the periphery as a whole.[44]

The search for secure sites of investment does seem the best explanation for the mining companies' diversion of funds from the periphery to more economically advanced areas. Certainly, the growth in the American mining position in Canada during the postwar period is consistent with this argument. As a proportion of U.S. direct foreign investment in mining, American mining capital in Canada increased from 29 percent to 45 percent, despite the fact that the average yield was only 8.1 percent with all fees included. It should be noted, however, that the U.S. position in Canadian mining grew steadily in the postwar period and did not increase suddenly over the last fifteen years. Similarly, the unwillingness of the multinationals to develop existing concessions in Peru and Chile, despite the richness of the ore and other comparative advantages, was a source of contention with these governments as early as 1950; and the rate of investment in Latin America slowed even during the 1960s, when the rate of return was over 20 percent per year. The changing pattern of investment in mining, therefore, has not been simply a

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Mexico, and Chile (New York: Praeger, 1975), 69 and 74; Bosson and Varon, *Mining Industry*, 195; and Alfred E. Eckes, Jr., *The United States and the Global Struggle for Minerals* (Austin: University of Texas Press, 1979), 240. The same is true of forest products. Hans M. Gregersen and Arnoldo Contreras, *U.S. Investment in the Forest-Based Sector in Latin America* (Baltimore: Johns Hopkins University Press, 1975), 64–65.

[42] C. Fortin, "Changing Roles of Multinational Corporations in the Evolving World Mineral Economy" in S. Sideri and S. Johns, eds., *Mining for Development in the Third World* (New York: Pergamon, 1980), 337–343; and Krasner, *Defending the National Interest*, 143–146. Thirty-five of fifty less developed countries expropriated some foreign investment in the resource sector between 1968 and 1976. See David Jodice, "Sources of Change in Third World Regimes for Foreign Direct Investment, 1968–1976," *International Organization* 34 (Spring 1980): 188.

[43] C. Fred Bergsten et al., *American Multinationals and American Interests* (Washington, D. C.: Brookings Institution, 1978), 133, 144–147, 163. See also Moran, *Multinational Corporations*, 267.

[44] The figures reported are for all of Latin America, not just Latin American republics, because of the unavailability of data for the republics alone; and where fees, etc. were not available, income alone was used to compute profitability. See also Raymond F. Mikesell, *Foreign Investments in Mining Projects* (Cambridge, Mass.: Oelgeschlager, Gunn and Hain, 1983), 278–280.

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response to events of the late 1960s and early 1970s, but is part of longer-term developments within the industry.[45]

Comparing rates of return in different regions depends, of course, on reliable data; and there are grounds for concern regarding the accuracy of reported profits. Because many transactions involve affiliated companies, transfer pricing can be used to improve a corporation's overall profitability. A multinational may exaggerate costs or minimize proceeds in certain countries to reduce its tax liability, move money out of a country where the repatriation of profits is restricted, or discourage competition at stages of production where low barriers to entry would otherwise exist.[46] Most often, it has been argued that multinational corporations transfer profits out of less developed countries, a charge particularly well documented for the pharmaceutical industry.[47] In general, transfer pricing is most likely in multinational corporations that have extensive internal trade and unique intermediate products for which there are no well established prices.[48] These characteristics make it difficult for officials to audit a company's accounts.

It is impossible to determine the extent to which transfer pricing has occurred; but it is not correct that "the few investigations which have taken place have *all* shown that transfer-prices are used against LDCs."[49] The use of higher-than-market, posted prices in calculating the income of petroleum producers, which transfers profits to the periphery, is in fact the most dramatic example of this practice.[50] In addition, the inclusion of fees, royalties, and other charges increases the profitability of investments in the advanced countries relative to those in Latin America when all industries are included. Only in the case of mining did these charges, which could be used to disguise profit remittances, weigh more heavily on the less developed countries. There have also been a number of cases where U.S. multina-

[45] David G. Becker, *The New Bourgeoisie and the Limits of Dependency: Mining, Class, and Power in "Revolutionary" Peru* (Princeton, N.J.: Princeton University Press, 1983), 55, 63, and 86; and Moran, *Multinational Corporations*, 108ff.

[46] Theodore H. Moran, "Foreign Expansion as an 'Institutional Necessity' for U.S. Corporate Capitalism," *World Politics* 25 (April 1973): 382.

[47] Gary Gereffi, *The Pharmaceutical Industry and Dependency in the Third World* (Princeton, N.J.: Princeton University Press, 1983), 98–99 and 145ff; and Richard J. Barnet and Ronald E. Muller, *Global Reach: The Power of the Multinational Corporations* (New York: Simon and Schuster, 1974), 158; and Raymond Vernon, *Storm over the Multinationals* (Cambridge, Mass.: Harvard University Press, 1977), 154–155. On transfer pricing in the food industry, see Sanjaya Lall, *Developing Countries in the International Economy*, 73.

[48] For example, in 1970, majority-owned foreign affiliates in manufacturing sent on average 66 percent of their exports to related firms. Sanjaya Lall, "Transfer Pricing and Developing Countries: Some Problems of Investigation," *World Development* 7 (January 1979): 60–64.

[49] Lall, *Developing Countries in the International Economy*, 62. (Emphasis in the original.) For cases where transfer pricing was not used to the detriment of less developed countries, see Moran, *Multinational Corporations*, 41–45; Alan M. Rugman, *Inside the Multinationals* (New York: Columbia University Press, 1981), 146; Becker, *New Bourgeoisie*, 89; and Szymanski, *Logic of Imperialism*, 300.

[50] Transfer pricing in the petroleum industry reduced oil companies' taxes in the consuming countries by at least $240 million in 1970. Bergsten et al., *American Multinationals*, 172.

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tionals apportioned research and development costs and other joint corporate expenses in ways that benefited subsidiaries in the developing countries.[51]

In fact, during most of the postwar period, multinational corporations have had a powerful incentive to overstate their earnings in the Third World in order to minimize their taxes. "The high income and withholding taxes in Canada and most countries in Western Europe discourage allocating income to those affiliates, whereas the low tax rates in certain (particularly developing) countries may attract taxable income to them," as Fred Bergsten, Thomas Horst, and Theodore Moran have noted.[52] To illustrate this, the average tax rate of the four largest recipients of funds in Latin America, net after U.S. tax credits, was 38 percent in 1968. For the four most important developed countries, the average was 45 percent; the U.S. corporate tax rate in the same year was 48 percent.[53] Since tax considerations are a pervasive influence, total fees and royalties are lower in the periphery, and profits are understated in the developed countries for the petroleum industry, the net effect of transfer pricing has probably been to exaggerate profits in the developing regions.[54] The influence of this distortion should not be exaggerated, however, because of the close scrutiny tax officials in most countries give to corporate accounting.

Of greater importance in influencing the movement of capital and its profitability are the laws of host countries that affect international trade. Most countries in the periphery seek to restrict imports and promote exports. Because regulating trade is a means of directing the course of national development, import substitution strategies are quite common in the Third World. In such cases, foreign as well as local firms may be given virtually monopolistic privileges behind high tariff walls and enjoy a variety of other subsidies. In fact, more than 20 percent of the projects in Reuber's survey of investments in the Third World had been undertaken after initiatives by the host governments. The inducements that were offered raised the average profitability of these projects above 27 percent "despite unfavorable underlying demand and cost conditions that, in the absence of subsidies, would [have precluded] the investment[s]."[55] Though governments of the developed countries also encourage investment, governmental subsidies on balance have probably increased the relative profitability of capital placed in the developing countries.

[51] Charles Kindleberger, *American Business Abroad* (New Haven: Yale University Press, 1982), 48–49, 172, and 211.

[52] Bergsten et al., *American Multinationals*, 195.

[53] Averages were calculated by weighting tax rates by each country's share of global profits. Ibid., 188–189. See also Sanjaya Lall, "Financial and Profit Performances of Multinational Corporations in Developing Countries: Some Evidence from an Indian and Colombian Sample," *World Development* 4 (September 1976): 719; Reuber et al., *Private Foreign Investment*, 144–149; and Moran, "Foreign Expansion," 382.

[54] On the importance of tax considerations, see Jane O. Burns, "Transfer Pricing Decisions in the Multinational Corporations," *Journal of International Business Studies* 11 (Fall 1980): 13–19.

[55] Rueber et al., *Private Foreign Investment*, 77–80 and 94. See also Whichard, "Trends in U.S. Direct Investment," 49.

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Comparisons and Conclusions

A definitive assessment of the profitability of foreign investments in developed and less developed regions would require data from individual firms regarding specific product lines and operations so that internal rates of return could be calculated;[56] but this information is private and closely held, would be voluminous, and almost certainly no longer exists for the British case. Still, public companies and the issuers of bonds have always had to account to investors and increasingly to governments. The resulting data permit certain conclusions to be drawn.

First, both British and American capitalists invested primarily in other developed regions and, within both the core and the periphery, preferred the most advanced economies. In the contemporary case, the flow of new investments has increasingly been in favor of the developed areas. If investors seek to maximize their profits, this distribution of investments indicates that capitalists perceive greater opportunity with increasing levels of development. Indeed, a number of sophisticated studies show that market size is the most influential determinant of foreign investment in the contemporary period.[57] In actuality, investors probably do not always optimize. British capitalists may have had noneconomic preferences for English-speaking lands; and American multinational corporations may be attracted to culturally similar, geographically proximate countries in which they have had previous experience.[58] But it is difficult to sustain this argument to the point where the dramatic differences in investment levels in the developed and developing regions would be explained. Investors may not, strictly speaking, maximize their return on investments; but radical and traditional economists agree that capitalists are very attentive to profits and "satisfice" at a high level.[59]

Second, the case studies show that foreign investors have not in fact consistently earned higher returns in the periphery than in the economically advanced areas. This is apparent even in the earlier case, where the data is significantly less complete. Instead, British investors in the developing regions experienced a range of outcomes. Some investments were remarkably profitable — nitrate mines in Chile at the turn of the century, to cite the extreme case — but more yielded normal returns.

[56] Kelly and Philippatos, "Comparative Analysis of Foreign Investment," 22–23.

[57] William H. Davidson, "The Location of Foreign Direct Investment Activity: Country Characteristics and Experience Effects," *Journal of International Business Studies* 11 (Fall 1980): 9–22; Thomas Horst, *At Home Abroad: A Study of the Domestic and Foreign Operations of the American Food-Processing Industry* (Cambridge, Mass.: Ballinger, 1974), 118; and Franklin R. Root and Ahmed A. Ahmed, "The Influence of Policy Instruments Manufacturing Direct Foreign Investment in Developing Countries," *Journal of International Business Studies* 9 (Winter 1978): 85–86. Root and Ahmed found that for the less developed countries, after market size, the extensiveness of infrastructure, import capacity, political stability, and tax rates — in that order — were the principal influences on corporate investment decisions.

[58] Davidson, "Location of Foreign Direct Investment Activity," 13.

[59] Kelly and Philippatos, "Comparative Analysis of Foreign Investment," 23; and Reuber et al., *Private Foreign Investment*, 47ff.

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Others were dramatic failures—Argentine bonds in the late 1880s or Indian gold mining shares, for example. In the contemporary case, the average return on U.S. direct foreign investment in the developing countries was much higher than in the developed countries only if returns in the petroleum industry were included. When these data are omitted, there is little difference in the profitability of investments in the two areas: 14.2 percent per annum on average in the Third World and 14.0 percent in the developed countries. Returns on the operations of the multinational corporations in Latin America confirm that profits in the developing countries are generally normal.

It is significant that the foreign investors of Great Britain and the United States were not able to exploit the preeminence of their countries to earn excess profits in the regions where their nations' hegemonic advantage was greatest. Contrary to Lenin and most contemporary critics of capitalism, imperialism does not insure "super-profits" for the capitalists of powerful states.[60] In addition, the very strong preference of both British and American investors for developed countries is inconsistent with Hobson's and Lenin's principal thesis that imperialism in the modern era has been necessitated by an accumulating surplus of capital in the economically advanced countries. Gunnar Myrdal, Ragnar Nurkse, and others seem closer to the truth when they argue that capitalists are apt to avoid the periphery because profits are often not commensurate with the risks.[61]

Finally, returns in particular industrial sectors were not consistent with conventional economic theory regarding efficient financial markets. Unusually high rates of return were found in the less developed regions for the extractive industries, though this is somewhat less certain in the British case due to the incompleteness of the data. In manufacturing, on the other hand, profitability in the developing areas was less than would be expected if returns tended toward equality and markets were free. The high returns in mining are probably the result of the oligopolistic nature of the industry that results from its large economies of scale, the long time needed to develop new sources of raw materials, and the concentration of ores in relatively few locations.[62] These barriers to entry apparently have permitted the mining companies to negotiate with the governments of the periphery from a position of strength. This situation, however, has been changing, especially over the last fifteen years.

[60] Lenin, "Imperialism," 193. See also Bukharin as quoted in Pierre Jalee, *Imperialism in the Seventies*, 45; Alan Hodgart, *The Economics of European Imperialism* (New York: W. W. Norton, 1977), 18; James O'Connor, "The Meaning of Economic Imperialism" in K. T. Fann and Donald C. Hodges, eds., *Readings in U.S. Imperialism* (Boston: Porter Sargent, 1971), 32–33; and Andre Gundar Frank, *Crisis: In the Third World* (New York: Holmes & Meier, 1981), 159ff.

[61] Gunnar Myrdal, *Economic Theory and Under-Developed Regions* (London: Gerald Duckworth, 1957), 53–60; and Nurkse, *Problems of Capital Formation*, 4–11. See also Gilpin, *U.S. Power and Multinational Corporation*, 51–53.

[62] Kindleberger, *American Business Abroad*, 183; Moran, *Multinational Corporations and the Politics of Dependence*, 26–27; Bergsten et al., *American Multinationals*, 125–128; and Becker, *New Bourgeoisie*, 72–92.

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For manufacturing, the lower profitability of U.S. subsidiaries in the Third World is consistent with the product cycle theory, which suggests that direct investment will only be undertaken in developing countries when the original technological innovation is widely diffused, competition has increased, and profit margins have been reduced.[63] Despite low wages, government subsidies, and a scarcity of capital, manufacturers have not been able to overcome the disadvantages of investing in the periphery: small markets, inadequate infrastructures, limited availability of skilled labor, and greater political and economic risk. Harry Magdoff has suggested that the early transformation of the periphery into suppliers of raw materials has so distorted development that "profitable investment opportunities . . . are limited by the very conditions imposed by the operations of imperialism."[64] The case studies do not shed light on the causal link Magdoff and the dependency theorists propose, but it is worth recalling that the historical pattern of foreign investments – extractive industries in the periphery and manufacturing in the core – is steadily becoming less relevant.*

[63] Davidson, "Location of Foreign Direct Investment Activity," 13; Root and Ahmed, "Influence of Policy Instruments," 85–86; and Horst, *At Home Abroad*, 118.

[64] Magdoff, *Age of Imperialism*, 38.

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Book Reviews

Strategy: The Logic of War and Peace *by Edward N. Luttwak. Cambridge, Mass., Harvard University Press, 1987. 283 pp. $22.00.*

The logic of strategy, Luttwak tells us, is paradoxical. Linear logical thinking will usually mislead us. Instead, any course of action will tend to evolve into its opposite. For example, strengthening one's country to win by conventional warfare alone is likely to incite one's opponent all the more to use nuclear weapons to avoid defeat. Indeed, strategy in his view is shaped solely by the logic of war, for peace is merely a "negative abstraction," (p. 61) i.e., "the absence of war." Peace has "no substance of its own." It is, paradoxically, peace that induces war, since war always accomplishes its own destruction. Luttwak's book analyzes the interplay of five levels of strategy—technical, tactical, operational, theater, and grand strategy—with great sophistication and vivid examples. He remains skeptical of the practical application of his work except as a cautionary guide. Nonetheless, "the study of strategy should be its own reward because it alone can explain the tantalizing continuities and baffling contradictions that pervade the human experience of conflict" (p. 236).

Luttwak's study does not explain these matters, however valuable a criticism his rather rare grasp of interacting levels of strategy may offer against particular strategies or weapons systems. The paradoxes central to his analysis of the strategy of war do not, as he believes, describe "unchanging phenomena that exist whether we see them or not" (p. 89). These paradoxes are produced by structural faults in the vision and practice of most leaders and societies. Luttwak rightly calls attention to recurrent self-contradictory sequences common to strategies of war, but he lacks any critical theoretical foundation from which to analyze their causes and hence to overcome them. His work accepts both war and its paradoxes as natural. He hopes at most to inspire a larger grasp of this unchanging reality as well as a more deliberate restraint in whatever appears to be success in war lest these contradictions are pushed to extremes.

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What causes this sense of paradox? When democratic and authoritarian liberal societies make war in our time, they generally fail to appreciate that they are trying to act simultaneously in two radically different archetypal dramas: One is a way of life based on living with incoherence. We organize the insecurity based on the self-interested pursuit and protection of invidiously distributed fragments of life variously through agreed-upon public procedures, personal and political repression, covert manipulation, subjective criticisms and fantasies, and objective inquiry largely limited to linear, logical thought and empirical examination of efficient causes and effects. When we go to war to protect or aggrandize our interests or this very way of life, we normally suppose that the kind of thought and action intrinsic to this way of life will see us through the war. It cannot, however much we do in fact persist in it personally, politically, economically, militarily.

War is a radically different archetypal drama: It is not simply a matter of strategies but manifests a way of death. It begins in psychic death. We cease to treat ourselves and our fellow citizens as fully human. We turn ourselves into instruments of death. We treat the human beings on the other sides as targets. Through the five levels of strategy, beings are reorganized as abstractions, though in fact our entire being is now at risk. However much our war production, political mobilization, and personal contribution remain influenced by the logic of organized insecurity, what counts in war is secrecy, deception, obedience, and aggressiveness in the face of a deeply anxious and largely unpredictable encounter between agents of death.

War is one of the concrete faces of the archetypal way of death. Fascism, racism, extreme religious sectarianism are among other available expressions of this drama of deformation that begins in psychic death and ends in physical death. If we see all existence solely from the prevailing perspective of incoherence as a way of life and even repress the power of our intuitions about the deathliness of war, we shall be misled into supposing that at the outer limits of our conventional horizon and beyond it, there arise merely internally contradictory outcomes. Then, of course, we shall miss deformation until it is too late and never recognize the opportunities for transformation.

Luttwak seeks to obscure this grave difference between ways of life and death by proclaiming the natural and central persistence of paradox. He can write: "Because the dynamic logic of strategy has no end, at least for those who survive its workings, all outcomes – even victory and defeat . . . are only interim results. . . ." (p. 190). We who have so far survived its workings need to ask why systems of organized insecurity remain prone to the deformation of war and why we may still be inclined to fantasize that this deathly process is merely a paradox.

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Watershed in Europe: Dismantling the East-West Military Confrontation *by Jonathan Dean. Lexington, Mass.: Lexington Books, 1987. 286 pp. Cloth, $29.00; paper, $9.95.*

Into this brief, cleanly-written, and well-organized volume, Jonathan Dean has succeeded in squeezing what are really two very different books, each of which is very wise and worth considerable attention. The first, reflected in the volume's title, is an extraordinarly well-measured and thoughtful analysis of Europe's politico-military realities; the second, reflected in the volume's subtitle, is a detailed accounting of European arms control negotiations – Intermediate Nuclear Forces (INF), Mutual and Balanced Force Reduction (MBFR), and Conference on Security and Cooperation in Europe (CSCE). With his experience as ambassador in Bonn and as head of the American delegation to the MBFR talks, Dean is well-qualified to write on both topics.

Unlike many of the other well-qualified authors who have written on these topics, however, Dean has avoided the temptation to see the events of the day (whatever day it happens to be) as representing some new or critical military or political challenge. When so many otherwise-reasonable scholars and officials routinely announce that the sky is falling – that Europe or the western alliance currently face a crisis of unprecedented magnitude calling for immediate and far-reaching change – it is a relief to read an analysis that is so calm, so far-sighted, and so utterly sensible that there is every reason to expect that it will not appear hopelessly dated a few years hence.

Dean observes that NATO and the Warsaw Pact have passed a watershed in their relationship. The peak danger of conflict has passed. The probability of deliberate Soviet military aggression aimed at joining western Europe to the Soviet imperium has so declined as to become insignificant. Moreover, Dean calculates, the military balance in Germany is much more even than American observers generally assume. As a consequence, although war stemming from miscalculation, irrationality, or internal upheaval remains possible, the military situation in Europe is relatively stable. While measures can and should be taken to reduce the risk of war further, revolutionary changes are not called for. To the contrary, Dean argues, reflection – not action – should be the order of the day.

Reflection is necessary because the problem of managing a declining confrontation is fundamentally different and in many ways more difficult than that of managing an increasing one. The challenge for the coming decades is twofold. On the one hand, NATO must maintain political and military strength sufficient to avoid any tragic miscalculation and to continue to prevent Soviet political intimidation of West European members. At the same time NATO must move forward to reduce or render less dangerous the enormous concentration of military might that East and West have created in Europe. Failure to achieve progress in the latter may undermine political support for the former. Thus the problems facing the Atlantic alliance will be increasingly political rather than military. Maintaining – or recreating – a defense consensus and political cohesion within the alliance as

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members move at differing speed toward a demilitarized East-West relationship will be the critical task on this side of the watershed.

Sandwiched inside this discussion of the problems of managing a military confrontation on the decline is what amounts to a separate book, an impressive study of the past and future of arms control in Europe. Dean is correct to see this understudied and underemphasized topic as inextricably linked to the politico-military challenges facing NATO. His treatment—though priceless for readers with a serious interest in arms control—is likely, however, to strike some readers as somewhat over-detailed and insufficiently integrated into the rest of the volume.

Despite this complaint that the two halves of this volume can be read (and are likely to be read) quite separately, the fact remains that both halves are worth reading and worth reading carefully. Taken together they provide a gentle but fundamental indictment of current American approaches to politico-military affairs and a thoughtful set of advice for dealing with a divided continent.

EDWARD RHODES
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Presidential Transitions: Eisenhower through Reagan *by Carl M. Brauer. New York, Oxford University Press, 1986. 310 pp. $22.95.*

The eleven weeks following a new president's election until his inauguration and his first six months in office are among the most important and crucial of his presidency. This time of transition is filled with both hazards and opportunities. It is relatively short and highly frenetic. Despite their importance, presidential transitions have received only modest attention by scholars. Carl Brauer's volume is a welcome addition, the first full length treatment of transitions since Laurin Henry's work almost three decades ago.

Brauer reminds us that the early months of an administration establish patterns, procedures, and perceptions that persist. His approach is historical. Rather than develop and test hypotheses, he describes and assesses. *Presidential Transitions* consists of chapters dealing with Presidents Dwight D. Eisenhower, John F. Kennedy, Richard Nixon, Jimmy Carter, and Ronald Reagan. Omitted are the accession transitions of Harry S. Truman, Lyndon B. Johnson, and Gerald Ford or the second-term transitions of Eisenhower, Nixon, and Reagan. Given the scope of the undertaking, his focus seems both wise and appropriate. The care, precision, and insight with which Brauer has treated these five transitions should encourage similar examination of the 1945, 1956, 1963, 1972, 1974, and 1984 transitions.

One of the book's major strengths is its methodology. Brauer has combined careful scholarship in manuscript and oral history collections with numerous participant interviews, relying principally on primary sources. The most detailed and

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compelling chapters are those dealing with Eisenhower and Kennedy, where he was able to blend rich documentary sources with in-depth interviews. The comparative strength of these chapters demonstrates the value of a combination of primary documents and interviews, a method that scholars can usefully employ in studying the modern presidency.

The central themes of the book focus around three areas: personnel, organization, and policies. Political appointments are an immediate and critical task. Brauer notes how frequently presidents appoint individuals they do not know well. Kennedy and Dean Rusk, Nixon and Henry Kissinger, Reagan and Alexander Haig are illustrative of senior foreign policy appointments made more on the basis of reputation and first impressions than long association. Some of these relationships turn out better than others. An important variable in personnel matters is the relationship between the White House and department heads in appointing subcabinet officials. Sometimes, as Brauer describes in the case of JFK, the process is "fairly personal, intuitive, and loose" (p. 75). In other instances, a strong White House role, as in the case of Reagan, can help produce a united administration.

White House organization tends to reflect a president's personal characteristics, his preference for formal processes or ad hoc arrangements, and his appetite for delegating. Brauer also illustrates the tendency for presidents to make some organizational decisions and to take many symbolic actions in reaction to public perception of their predecessor.

The U.S. system looks to the president for policy initiatives, an opportunity that Reagan capitalized on. Eisenhower's failure to develop "a substantial legislative program constituted a significant strategic error" (p. 27). Yet in foreign policy, Brauer identifies Eisenhower's achievement of an armistice in Korea as the greatest transition accomplishment of any president.

Brauer believes that departing administrations have much to teach incoming ones, regretting that this exchange usually falls far short of its potential. He finds early planning before a president is elected valuable with respect to personnel, and he writes favorably about pre-inauguration devices to bring together the senior officials in a new administration.

His recurrent themes are instructive: the "trap of overconfidence and hopefulness" (p. xvii); the misunderstandings between old and new administrations; the perils associated with insufficient institutional memory at the center; the need for early initiatives in building momentum and the risks associated with policy ventures hastily developed and quickly approved. These are lessons worth pondering by both scholars and presidents.

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Congress and the Nuclear Freeze: An Inside Look at the Politics of a Mass Movement *by Douglas C. Waller. Amherst, Mass., The University of Massachusetts Press, 1987. 346 pp. Cloth, $30.00; paper, $12.95.*

An American president's achievements are commonly measured by counting how many of the policy goals on his agenda he can persuade the public to support and Congress to adopt. Thus, the history of every administration is largely written in terms of where the chief executive wanted to go in public policy and how far he was able to take the country with him.

This book suggests that there is another and quite different way in which a president's public policy record can be read. His election may trigger political action by groups that feel threatened by his policy views, and they may secure the passage of legislation that he opposes. Douglas C. Waller provides a very interesting account of a political movement supporting a freeze on the production and deployment of nuclear weapons that derived much of its inspiration and energy from the threat it perceived in the election of Ronald Reagan as president in 1980.

To be sure, proposals for such a freeze had been circulating in the arms control community prior to that time. But it was only in 1981, shortly after the new President took office, that the movement really took off, even though Reagan fought it vigorously: ". . . in 1981 all across the country a groundswell of public concern over nuclear arms was emerging . . . The more Americans worried, the more Mr. Reagan and his advisers stoked those fears with careless talk about nuclear weapons. What started out as a relatively miniscule grass-roots campaign quickly became a national movement, and Mr. Reagan deserved much of the credit for making it so" (p. 37).

Waller tells how this "miniscule" campaign became a national movement—reacting against what it perceived as Reagan's opposition to arms control. At the outset in 1981 a major strategic decision was reached to make the freeze campaign a people's movement. Instead of being run by traditional peace organizations and activists, who would lobby in behalf of the freeze proposals through their Washington networks, the nuclear freeze movement would operate at the local level through citizen volunteer groups. Many such groups that had already been established, like Physicians for Social Responsibility, were enlisted in this new effort. In order to strengthen its grassroots identification, the campaign's headquarters was located in the Midwest. As a result, when the movement began to push its proposal in Congress, it could point to a number of successes it had already achieved in getting the freeze resolution endorsed by local units of government. Moreover, the poll data that showed growing support for the freeze in the country convinced many members of Congress that a vote for the resolution would be popular with their own constituents.

But after the movement achieved its goal in 1983, when the House finally passed its nuclear freeze resolution, it was far from clear how much of a victory had actually been won. The resolution had been watered down by its House opponents, and it had no chance of passage in the Senate. Moreover, in the following year,

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Reagan won an overwhelming election victory. Shortly thereafter serious disarmament negotiations with the Soviet Union resumed, and in 1987 the United States and the Soviets agreed to dismantle their intermediate-range ballistic missile systems.

There are at least two equally plausible interpretations of this sequence of events. One is that the intermediate-range weapons agreement vindicated the Reagan administration strategy of "arming to parley" and the President's position as chief architect of arms control policy. The other is that the freeze campaign helped sustain a climate of opinion in the United States that forced the President and his advisers to put disarmament at the top of their agenda. If, as seems possible, both interpretations are correct, then arms control is in the happy position of being a policy whose success is promoted by the activities of both hawks and doves.

FRANCIS E. ROURKE
Johns Hopkins University

Stemming the Tide: Arms Control in the Johnson Years *by Glenn T. Seaborg with Benjamin S. Loeb. Lexington, Mass., Lexington Books, 1987. 495 pp. $24.95.*

Glenn T. Seaborg is the only Nobel Prize-winning scientist (chemistry 1951) to hold high public office. As chairman of the Atomic Energy Commission (AEC) during the Kennedy and Johnson years, he was a participant in arms control decision making during that astonishingly fruitful period. The AEC (and its successor Department of Energy) was responsible for making America's nuclear weapons. Though not a primary decision maker, Seaborg was present at the often contentious debates about the Limited Test Ban and Non-Proliferation Treaties (NPT), the early preparations for SALT I, and questions of ballistic missile defense and comprehensive test ban (CTB), which still split U.S. advisers.

Seaborg's diary reflects the objectivity of a serious scholar, even if short on the gossip that enlivens the memoirs of some with larger egos. His book is detailed, sober, and an excellent reminder of policy issues, most of which are still with us. Indeed, in the words of Yogi Berra, it's déjà vu all over again, even to Paul Nitze as key player. With three exceptions. One burning issue in the early 1960s was cutbacks of fissionable material, destroyed or transferred to peaceful uses. Today's world with 50,000 or so nuclear warheads has found ample uses for plutonium and enriched uranium. Another idea was unilateral but hopefully reciprocated cutbacks. Soviet behavior combined with resurgent U.S. machismo to abort that experiment. The third historic artifact was the unlamented Multilateral Force (a rare case where the State Department pushed an exotic policy solution against White House skeptics).

Lyndon Johnson was a supporter of nuclear arms control, although then as now the bureaucracy was divided. Seaborg describes the NPT quarrels in detail, including a telling recollection of LBJ's downplaying of the topic after Bobby Kennedy addressed it. He also recalls the opposition abroad on grounds of com-

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mercial deprivation or even theft, plus resentment at the superpower oligopoly and a demand (embodied in Article 6) that they show progress in bilateral disarmament.

The Cuban missile crisis helped usher in the arms control era. Even so, assurances were needed for Senate ratification of the 1963 Test Ban Treaty – to the Pentagon about continued underground testing, and to the AEC about peaceful nuclear explosions. Another reminder is of the U.S. Arms Control and Disarmament Agency's (ACDA) original mandate to act as advocate of arms control, a role degraded in recent times. But as Seaborg shows, even then ACDA sat low at the decision-making table and LBJ had a "dim view" of the agency.

On the big ticket items the author is a valuable witness. An impassioned plea to Soviet Premier Alexei Kosygin at Glassboro, N.J. by Defense Secretary Robert McNamara helped lead the Soviets to SALT I and the ABM treaty. But LBJ changed his mind about a CTB (and moved fatefully toward MIRV) in the face of mounting evidence of clandestine Soviet moves toward an ABM capability. Seaborg reports "the President and the Cabinet had accordingly decided that the U.S. response should be to develop a complete new generation of weapons for the strategic offensive forces" (p. 235). This book's most important contribution is in a footnote to that quotation: "This U.S. reaction to Soviet deployment of defensive weapons should be carefully noted by those who question how the Soviet Union might react to U.S. deployment of the SDI."

The conclusions of this thoughtful scientist and public servant are three. First, Robert McNamara is the unsung hero of arms control. Second, the influence of the military must be curbed. After the chaotic performance of the 1980s, Seaborg's third lesson should be written on the blackboard one hundred times: To pull the U.S. government together for a successful arms control policy requires a strong and committed president of the United States.

LINCOLN P. BLOOMFIELD
Massachusetts Institute of Technology

The White House and Capitol Hill: The Politics of Presidential Persuasion *by Nigel Bowles. New York, Clarendon Press, 1987. 261 pp. $39.95.*

Nigel Bowles, like other British analysts of executive-legislative relations in the United States, brings to his subject a unique perspective that has both strengths and weaknesses. Drawing on the documentary resources available at the John F. Kennedy and Lyndon B. Johnson Libraries, supplemented by interviews with many of those involved in congressional liaison during the last quarter century, Bowles adds to a growing body of literature.

The analysis is organized into three sections. In the first two chapters Bowles lays out his analytical framework and the context in which the Office of Congressional Relations (OCR) worked during the Kennedy and Johnson administrations.

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The basic theme, repeated in the final chapter, is that an effective liaison office is indispensable to but not a guarantee of an appropriately functioning, institutionalized presidency. In a second section, Bowles describes the functioning of the OCR during the Kennedy and Johnson administrations. These three chapters deal not only with the internal organization of the OCR but also with how that unit fit within the White House staff and with the techniques used by the OCR to enhance presidential influence. Case studies of the income tax surcharge of 1967–1968 and the defeat of the judicial nominations of Abe Fortas and Homer Thornberry follow. Finally, applying the theory he has developed, Bowles analyzes the weakness of congressional relations during the Jimmy Carter administration and the strength of those relations during the first year of the Ronald Reagan administration.

The strength of this book is the new material extracted from important documents available in the presidential libraries. Thus, memos from Larry O'Brien, Henry Wilson, and others enrich our understanding of the internal White House dynamics as the Johnson White House pursued the income tax surcharge. The analysis of the weakness of the Carter congressional liaison effort is also extremely perceptive. Bowles stresses the unfortunate combination of Carter's inapplicable but seemingly parallel experience (as governor of a one-party state in which legislators were not adverse to deferring to the governor's legislative program) with his distaste for the "grubby politics of persuasion" (p. 200–202).

The White House and Capitol Hill suffers from three primary weaknesses. The first is the downside of analysis of American politics by non-Americans. Too frequently examples are not appropriate in ways that anyone familiar with the nuances of American politics would see. An example of this is the flawed understanding of the relationship between a president and his cabinet (p. 136).

The second and third flaws are more fundamental. The book has two focuses, the Office of Congressional Relations and executive-legislative relations more generally. In stressing the OCR, Bowles puts the office at the center of his analysis instead of realizing that the institutional arrangement must be seen in the context of the interplay of personalities which impact on how the institutionalized presidency works. Thus, Bowles writes, "Califano, always eager to advise the president on any subject whether in his jurisdiction or not" (p. 127). He does not recognize the central role that Joseph Califano played in all domestic policy-making decisions near the end of the Johnson administration. Similarly, he attributes the difference of importance of Hamilton Jordan and Frank Moore in the Carter administration to institutional roles, rather than to personal relations with the President.

Further, Bowles's choices of case studies and even his decision to examine Carter and the first year of Reagan, while skipping Richard Nixon, Gerald Ford, and the end of the first term of Reagan, are poorly defended and seem inopportune. The result is a weakened overall analysis. Bowles presents his conclusions as if they are alarming. Rather, they coincide with many of the recent studies of the presidency. In fact they support what for nearly three decades has been conventional wisdom. Bowles concludes, "presidential power consists in large degree of

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the skill with which presidents bring their political influence to bear on individual legislators over whom they lack formal sanctions" (p. 246). This sounds like a familiar echo of "presidential power is the power to persuade," does it not? But by the same token, that conclusion is one of the reasons to recommend this book. Over a quarter of a century ago Richard Neustadt presented an array of hypotheses for us as a research community to test. Nigel Bowles's book adds to the growing literature that has accepted that task.

L. SANDY MAISEL
Harvard University

Racial Formation in the United States from the 1960s to the 1980s *by Michael Omi and Howard Winant. New York, Routledge and Keagan Paul, 1987. 201 pp. Cloth, $24.95; paper, $10.95.*

The central thesis of this book is that race has been and remains a major force in U.S. society. The authors present a concept of "racial formation" to indicate how pervasive the thoughts, policies, and actions of citizens and officials based on race have been. In the process, Omi and Winant challenge and find wanting what they characterize as three general paradigms attempting to understand U.S. race relations: ethnicity-based theory; class-based theory; nation-based theory. In each case they show that race per se has been subsumed under some broader analytical category or explanation. What constitutes "race," in their view, has undergone continuous change and its meaning is constantly "rearticulated" to fit new and evolving societal conditions. But throughout the process, race as a central factor of U.S. life is dominant. It cannot be derived or dealt with by reference to some other phenomena such as ethnicity or class. The authors go briefly through events of the 1960s and 1970s, characterizing that period as one of "the great transformation." But because of the centrality of race and the lack of understanding of "racial formation," the gains toward equality were not consolidated, leaving a vacuum for the rearticulation of race in the 1980s by forces from the New Right and neoconservatives. This latter development, they believe, is not a return to the overt racism of *de jure* segregation, but it is a more subtle form of structuring racial hierarchy by the use of "code words" such as "law and order," opposition to big government, and patriotic and militaristic themes.

This book deals with an important, perennial subject. Its argument, unfortunately, is weakly made. In fact, there are three quite blatant flaws. First, the authors pay incomplete attention to some of the major analyses from a host of political scientists in the 1970s: Mack Jones, Hanes Walton, Leslie McLemore, Dianne Pinderhughes, to name a few. Serious students of race and politics in the United States during the period covered by Omi and Winant would not have omitted that literature. If the authors had dealt with these, they would possibly have better understood the nationalist orientation. As it is, their presentation of the so-called nation-based theory is woefully inadequate conceptually.

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Second, the book's thesis would have been far better served if the authors had taken a longer historical perspective. The recent twenty-plus years is not sufficient time to understand and craft a theory around the intensive, dynamic events of the 1960s and 1970s. The authors mention names and dates in the pre-1950s period, but there is no real sense of an appreciation of the protracted nature of the U.S. racial struggle in the face of the persistence of race as a dominating factor. This is particularly unfortunate inasmuch as it likely would have contributed to their better understanding and explication of their concept of rearticulation. The issues and interpretations they raise were intensely debated in the 1930s, if not before, by activists and academics. Again, the literature is there to be examined.

Third, the authors state that previous analyses and concepts ". . . all failed to grasp the comprehensive manner by which race is structured into the U.S. social fabric" (p. 107). If this is so, how do they understand the very important concept of institutional racism, which was introduced into the lexicon of the civil rights movement in the late 1960s? They do not mention it anywhere in the book! They might not understand it or agree with it, but serious scholarship on the period would not permit ignoring it. There is, I suspect, an unnecessary and unfortunate tendency to rush to theory in scholarship on the U.S. racial struggle. This will not serve well our understanding of that dynamic and important saga.

Incidentally, (at p. 137), whether he would have been or not, President Richard Nixon was *not* impeached. The House Judiciary Committee voted to recommend such, but Nixon resigned before the full House of Representatives got around to voting Articles of Impeachment. A minor point? It speaks to historical accuracy and understanding, if not to Nixon's pension.

CHARLES V. HAMILTON
Columbia University

The New Black Middle Class *by Bart Landry. Berkeley, University of California Press, 1987. 250 pp. $22.50.*

One of the most insidious temptations in reviewing a book is the impulse to criticize an author for not having chosen to write the book that the reviewer would like to see. The lines separating a reviewer's idiosyncratic preferences from a more judicious estimation of significance are often blurred. Temptations may be especially great with respect to scholarly examinations of topics that are both intrinsically interesting and currently salient; for in such instances reviewers are all the more likely to feel the press of their own clearly formed questions. The state of the black middle class is such a topic, and Landry's book is one that demands considerable restraint to avoid the temptation.

Landry undertakes to give an empirical description of the life conditions and lifestyles of the contemporary black middle class. On his own terms his study is by and large successful. His principal concerns are with: charting the black middle class's income, occupational, household and consumption patterns; describing how

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those have changed over time; and comparing them with similar patterns among whites. He presents a clear, if not altogether convincing view of where the contemporary black middle class has come from along those dimensions, where it seems to be headed, and what is happening to the gap between white and black middle classes. Although he finds little that would surprise attentive lay observers, Landry's cataloging of aggregate characteristics and comparisons is a useful contribution.

Landry's main theme is that while things have in many ways gotten better for middle-class blacks over the last generation, a substantial gap remains between black and white middle classes. He finds, for example, that advances in black upward mobility have been accompanied by greater dependence on multiple earner families than among whites and that "increases in income-producing characteristics such as education and seniority have relatively less impact on [blacks'] income than they do among whites, because blacks receive considerably *lower rewards for the same characteristics*" (p. 126 [emphasis in original]). Among other noteworthy, if not particularly surprising findings are that the black middle class has become more durable intergenerationally and more diverse occupationally and that black upward mobility remains especially responsive to the vicissitudes of public policy.

Landry's book is generally solid and competent; yet it is in three respects unsatisfying. First, defining middle-class status so broadly as to include all clerical workers is questionable; much clerical work is poorly paid and generally unattractive. By taking such a broad conception Landry forms an unwieldy catch-all unit of analysis, like the overly inclusive "white collar" or "service sector," which he also employs occasionally. A class category that includes investment bankers and file clerks is of dubious usefulness. Second, Landry's treatment of the historical origins and development of the black middle class is a thin rehash of well covered ground. Similarly, the discussion of Marxian and Weberian conceptions of class on which he grounds his own approach is superficial and naive theoretically.

The third problem is perhaps the most damaging, though it does not pertain to the book's internal consistency. Landry's subtext is an extended reply to William Julius Wilson's influential volume, *The Declining Significance of Race.* To that end Landry is concerned to show that racial gaps persist in income and opportunities for upward mobility. Because it rests on an exclusive focus on black/white differences, that orientation leads away from confronting several of the most important and controversial issues concerning the black middle class in the post-segregation era. (It also leads to viewing even simple differences in consumption choices as evidence of differentiation rooted in discrimination [e.g. pp. 173–4]). What have the growth of that stratum and its expanded opportunity structure meant for patterns of stratification within the black population? What has been the new black middle class's broader impact on black political and community life? How do the empirical developments described inform current discussion among scholars and policy makers concerning the relation of middle class and "underclass" in the black community? What are the sociological and political im-

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plications of the relative dependence of the black middle class on public employment?

These are some of the more provocative and timely questions that a study of the new black middle class could address, and it is disappointing that Landry opts instead to fill in details of a picture whose contours already are very well known. A study on this topic might have done much to impose a badly needed intellectual discipline onto a generally knee-jerk public debate that has been dominated by such fatuities as "role modeling," "self-help," and "special responsibility of the black middle class." Although it is not fair to criticize an author for not having written a different book, one can at least lament the mundane vision that would treat such an interesting topic so uninterestingly.

ADOLPH L. REED, JR.
Yale University

International Peacekeeping in Lebanon: United Nations Authority and Multinational Force *by Ramesh Thakur. Boulder, Colo., Westview Press, 1987. 356 pp. $32.50.*

Peacekeeping operations have been generally recognized by all but the most resolute detractors of the UN to be one of the most useful and innovative contributions of the organization to conflict control in a strife-torn world. What is less generally recognized is that peacekeeping operations are feasible only in certain well-defined circumstances, which include the consent of the parties and of the major powers, and what Ramesh Thakur of the University of Otago in New Zealand deftly describes as "a pre-existing will to peace." Such operations cannot and are not authorized to use force except in self-defense. Their authority derives from being accepted as impartial and above the conflict. They are neither part of nor a substitute for the UN charter's stillborn machinery for coercive enforcement action. In his new book, Thakur gives an account of the dangers involved in overlooking these principles.

The UN Interim Force in Lebanon (UNIFIL) provides a striking example of the limitations and capabilities of peacekeeping operations. It was set up at the insistence of the United States, which feared that Israel's 1978 invasion of Lebanon might derail U.S. efforts for an Israeli-Egyptian peace accord. As the UN Secretariat had warned, UNIFIL found itself unable to fulfill its mandate because of the lack of cooperation of the various Lebanese and non-Lebanese parties involved. When such cooperation was forthcoming—as during the one-year (1981–1982) cease-fire negotiated by the United States with Israel and by the United Nations with the PLO—UNIFIL worked well, and there was peace in Galilee. This came to an abrupt end with the second Israel invasion in June 1982 and its aftermath of chaos, massacres, civil war, and radicalization in Lebanon with heavy

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casualties and eventual Israeli withdrawal followed by the return of many Palestinians and a consolidation of Syrian control.

In the meantime, the United States had persuaded France, Italy, and Britain to join it in setting up a non-United Nations Multi-national Force (MNF), which represented some of the world's strongest military powers and would presumably be capable of getting around the limits of peacekeeping. However, MNF had no clear mandate, no chain of command, no headquarters, and no unified direction. Its American and French contingents, acting in their respective governments' interests, became embroiled in the Lebanese civil war on the side of the Lebanese government – that is, the Christian Phalange – against an assortment of Shiite and Druze factions backed by Syria. In the words of the *London Times* quoted by Thakur, Lebanon "was transformed during the U.S. military presence there into a state of chaos and anti-Western fundamentalism more profound than anything that existed before" (p. 6). The MNF, having sustained appalling casualties, had to be withdrawn in humiliating circumstances.

Meanwhile, as Thakur notes, UNIFIL soldiers on; its area remains an island of relative tranquility, the population having increased from 10,000 in 1978 to nearly 400,000 in 1986. While the mandate remains unfulfillable, its presence remains essential, as shown by unanimous Security Council votes to keep it alive.

Thakur makes a valiant effort to demonstrate that the United Nations, as the only body that can provide an authoritative exposition of values in international society, lends a legitimacy to UNIFIL that the MNF lacked. The MNF resort to force, he argues, collapsed the distinction between collective defense, collective security, and international peacekeeping. The consequence was the tragedy at the U.S. Marine barracks on 23 October 1983.

While Thakur is right about UN legitimacy, the fact is that the Italian contingent of MNF, which deliberately pursued a policy of impartiality and UN-type peacekeeping, had no difficulty with the various factions and emerged from Lebanon relatively unscathed. So did the small British MNF unit. There is no immutable law that obliges non-UN peacekeepers to behave with the irresponsible blindness of the American component of MNF in Lebanon in 1982–1985, and of the administration that put it in a no-win situation. It is of course true that UN peacekeeping operations have as a rule been conducted with great skill and impartiality, but these have been achieved by the secretary-general and his staff, often in the face of one-sided political pressures emanating from the UN's deliberative organs. Many of UNIFIL's problems were caused by discontent in Israel over the hostile attitudes of majorities in UN organs, even where these did not directly affect the functioning of UNIFIL.

Thakur has provided us with an insightful survey of a complex problem. He is at his best in theoretical analysis and in his comparisons of UNIFIL and MNF. His weakness is that he gives rather short shrift to the actual political and operational history of UNIFIL. Far better accounts of the latter may be found in the United Nations book, *The Blue Helmets*, and in Sir Brian Urquhart's *A Life in Peace and War.*

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UN operations—especially UNIFIL—have faced difficulties of their own, but Thakur makes it plain that endowing them with more guns and the power to use force would not be the solution, any more than it was in the case of the MNF. It is an apt, though gloomy, conclusion to contemplate for those who hope to control international strife through third-party interposition.

GEORGE L. SHERRY
Occidental College

Beauty, Health, and Permanence: Environmental Politics in the United States, 1955–1985 *by Samuel P. Hays. New York, Cambridge University Press, 1987. 630 pp. $29.95.*

The environmental era of the last three decades in American politics receives a thorough and competent treatment in this ambitious volume. The author presents not just a blow-by-blow chronicle of events, but also a sense of context and perspective for detailed policy disputes. As he rightly notes, participants in these events are often unaware of the deeper import of larger movements in politics and society to which they are contributing. Thus Samuel Hays wants to impart an awareness of the forest rather than the trees in environmental politics. Such awareness will, he hopes, enable the American polity to chart a more broadly informed course into the environmental future. Some of Hays's lessons are indeed well worth learning: professional environmental management is not and cannot be neutral, natural science is heavily colored by interest and politics, and economics is mostly ideology. The implication is surely that the environment should not be entrusted to experts of any stripe, and that a more strongly democratic future for environmental policy making is preferable.

The breadth of coverage of this book—ranging from substantive areas such as the urban environment, various kinds of pollution, agriculture, forestry, and wildlands to more general concerns related to science, ideology, the balance of political forces, and the role of different institutions—means that its interpretations have to be highly selective. The story that emerges is one of a struggle between environmentalists and producer interests (labor, industry, and agriculture). Professionals, whether natural scientists, engineers, public administrators, or private managers, are not neutral in this struggle and generally align themselves with production and development imperatives. "Thought leaders" or the "political intelligentsia" are on the side of the environment in the late 1960s and early 1970s, but change sides thereafter.

Now, none of these factions is monolithic. Hays recognizes diversity among professionals, some of whom are committed to environmental values. But his principal protagonists, the environmentalists, are treated as a unified movement. Throughout the book he uses "environmentalists" as a collective subject. Thus "Environmentalists sought to provide opportunities for hiking and camping for inner city youth" (pp. 267–268); "Environmentalists also argued that the total value

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of national amenities should be calculated on a net rather than a gross basis" (p. 274). Hays's environmentalists have the following characteristics. Their most fundamental commitment is to the amenity aspect of consumer values, though they also care about equity in access to a clean, safe, and attractive environment. These normative commitments are, though, held in check by an essential pragmatism. Environmentalists are the vanguard for the public interest (always clearly environmental) in battles with the narrower interests of producers. Their tactics are adversarial, though confined to conventional political channels (litigation, lobbying, and election campaigns), so they accept the basic legitimacy of American political and economic institutions.

There is no ambiguity in this crusade, and Hays himself is clearly sympathetic to its values and attitudes. The crusade meets with substantial success, for the open and pluralistic nature of the American polity yields to environmentalist pressure. Even in the dark days of 1981–1983, the designs of the environmental antichrist can be checked by environmentalist influence in the legislative and judicial branches of government.

But there are other environmentalists, both more conservative and more radical than Hays's crusaders. Hays deals with the conservative possibility at some length—for example, in the efforts of the Conservation Foundation to reach out to industry. In contrast, little or no treatment is accorded the radical possibility, as represented in incipient "Green" movements, unconventional groups like Greenpeace, and the fundamentalists' disenchantment with first the Sierra Club and then Friends of the Earth. The leading figure in this disenchantment—some would say in the American environmental movement in the 1955–1985 period—is David Brower, who receives no mention.

Just as there are other environmentalists, so are there other stories to be told about environmental politics. Hays wants his analysis to "be of some value in thinking about the meaning of piecemeal ideas and action" (p. ix). Perhaps that meaning may be found in the battle between consumer and producer values, and increasing demand for "environmental goods." But other meanings and morals go beyond utility and amenity. Environmentalism's broader import may perhaps be found in aspirations for a decentralized, non-hierarchical society in harmony with the natural world—a vision inconsistent with the imperatives of industrial society. This alternative account is not intended to deny the validity of the author's own, merely to emphasize its partiality. Irrespective of the story about the broader import of environmental politics to which one subscribes, Hays has written an invaluable book.

JOHN S. DRYZEK
University of Oregon

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Running in Place: Inside the Senate *by James A. Miller. New York, Simon and Schuster, 1986. 204 pp. $17.95.*

The U.S. Senate: Paralysis or a Search for Consensus *by George E. Reedy. New York, Crown Publishers Inc., 1986. 218 pp. $16.95.*

The two books are based on the personal experiences of the authors as Senate employees. They nonetheless complement the growing scholarly literature on the Senate in useful ways and cast light on the problems of analyzing the Senate from the vantage point of political science.

George E. Reedy offers a compelling and insightful portrait of the Senate of the 1950s, which he sees as a "club." It was a Senate in which the norms of courtesy, reciprocity, seniority, specialization, etc. were strong. It was thus also a Senate in which members who adhered to these norms could be effective and members who combined adherence with important positions in the committee and/or party systems could be powerful. Still, it was not a Senate in which any member or group of members could dominate outcomes, even in individual instances. Rather, the laxness of Senate rules, reinforced by Senate norms, gave each and every Senator substantial leverage and forced substantial degrees of accommodation as a precondition of action.

Nonetheless, according to Reedy, the 1950s Senate worked. The discipline and distributions of power that existing norms and positions created combined with special circumstances to transform the Senate into an effective lawmaking body. Among these circumstances were a President whose policies the Democrats could support and extend; a felicitous distribution among liberals, conservatives, and moderates in both parties; the desire of southern Democrats, led by Richard Russell, to elect Lyndon Johnson president; and the leadership skills of Johnson himself. However, it is not the Senate's ability to pass major pieces of legislation that Reedy prizes the most. Rather, he sees the Senate's prime virtue, then as now, to lie in its unique role as a mediator of the conflicting goals and interests of the American people, as a unifier of the nation. Accommodation, not efficiency in passing laws, is the hallmark of the Senate in his eyes.

James A. Miller's treatment of the Senate of the 1980s is much less thematic, but implicitly also highly normative. The Senate he presents is an institution in serious disarray. Whereas Reedy uses anecdotes to support and illustrate a host of broad contentions, Miller provides a detailed case study of Howard Baker's actions and decisions as majority leader during one week in April of 1983 to convey a broad sense of the weak position of the Senate leadership, the power of individual senators and staff, and the decline of traditional norms.

Both of these books inform us about particular Senates and, especially in the case of Reedy, help us to understand them as well. Yet, in doing so they also highlight certain critical questions for political scientists whose aspirations in studying the Senate are different than those of historians, journalists, or essayists.

First, how can we describe what we wish to explain in a more rigorous manner?

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According to both authors, the Senate of the 1980s is more individualistic and chaotic than the Senate of the 1950s. Yet, Reedy argues that the Senate of the 1950s also involved a wide distribution of power. In effect, he combines the positions of "club" and "anti-club" protagonists by positing both oligarchy and equality. His instinct in doing so is quite correct. The problem is that we lack the ability to conceptualize and measure power distributions to anywhere near the degree of precision required to avoid impressionistic and haphazard judgments. Similar deficiencies pertain to the analysis of the existence and impact of norms. As a result, our ability to compare Senates in different time periods is seriously handicapped and our conclusions difficult to substantiate. We thus need to perfect our ability to analyze structure, both formal and informal, and the distributions of tasks, resources, and incentives therein involved. Admittedly, this is no easy task, but critical features of very different Senates will remain quite hazy until we improve our ability to distinguish them.

Second, how can we explain what we find so that our understanding does not rest on highly situational factors? Even if we could more rigorously distinguish the Senate of the 1950s from the Senate of the 1980s, explanation of how one was transformed into the other would remain far from obvious. A host of external and internal variables appear to be involved, but the patterns of relationship and dependency remain cloudy. We thus need to raise explanation to a higher plateau by combining contextual and motivational factors in a manner that will allow us to do more than insightfully interpret what took place. This too is no easy task, but unless progress is made in building better theory we will not be able to improve on the form of explanation provided by George Reedy.

Third and last, how shall we assess the role of the Senate as an institution? Even apart from the difficult question of how one measures the legislative records of different Congresses, Reedy's position begs the question. How does one distinguish a Senate that is accommodative from one that is not, apart from its ability to pass laws? Unfortunately, the relationship between inaction, accommodation, and unification is not simple and straightforward. Rather, inaction can increase strife by intensifying differences rather than relieving them and can lead over time to declines in institutional power and function as the center of decision making moves to more effective locales or arenas. In short, it can lead to declines in the very institutional capabilities Reedy prizes, and thus his standard in and of itself is not an adequate one. Nonetheless, Reedy's instinct in raising this question is again quite correct. It is a mistake to believe that we can or should study Congress in isolation from the basic values and purposes of the American political system. That is something the authors of the *Federalist Papers* understood and accepted; in this bicentennial year it would be useful and appropriate for us to understand and accept it as well.

JOSEPH COOPER
Rice University

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Homeward Bound: Explaining Changes in Congressional Behavior *by Glenn R. Parker. Pittsburgh, University of Pittsburgh Press, 1986. 206 pp. $22.95.*

The rich qualitative analysis of the "home style" of a limited number of members of Congress by Richard Fenno has been supplemented by this systematic statistical study of change in the attentiveness of all members of the House and Senate for the period 1959–1980. Attentiveness is measured by the number of days spent in the constituency (based on travel vouchers) while the House or Senate was in session. The change in attentiveness is argued to be an indicator of change in home styles that is superior to other unobtrusive measures—mass mailings, staff, district offices—because it involves a personal investment of a scarce resource: time. The desire to infer that changes in attentiveness mean changes in home style, as though those changes "penetrated every aspect of a member's home style". (p. 3) is understandable, but I would have preferred a cleaner analytic focus on the level of attentiveness, with separable commentary on its contribution to an understanding of the role of home style in the constituency-member relationship.

Attentiveness was not found to depend on individual circumstances: redistricting, electoral marginality, and retirement. However, on the aggregate level, an interesting analysis of period, cohort, and seniority effects shows a strong period effect of increasing attentiveness (associated with increases in travel allowances), and that more recent cohorts are more attentive. But seniority does not produce the expected decrease in attentiveness. Under the rubric of institutional incentives for home style change, a rather complex time series analysis leads to the conclusion that an increase in travel allowances increased attentiveness, with the same holding for recesses.

The lead-in to the final major analysis argues that attentiveness is the intervening variable that translates office perquisites into electoral gains and that the "perks" have been used particularly by members who were atypical by virtue of their election under unfavorable circumstances, such as a strong opposition party. The results are "indirect, nonlinear linkages between electoral safety and perquisite increases . . . [that] account for the inability of congressional scholars to uncover a simple relationship between the two" (p. 114). Unfortunately, the rationale for the measurements used in the analysis is not clear.

The central relationship in the analysis is between change in electoral margins and stylistic change for successive pairs of Congresses. Stylistic change in the House is measured by a *multiplicative* combination of: the original measure of change in attentiveness; strength of opposition party; and a dummy variable scored 1 if the member was elected by less than 55 percent in the previous election, and 0 if otherwise. The effect of the dummy variable scoring is that members winning by 55 percent or more are *all scored zero* on the multiplicative measure of stylistic change. Consequently, the regression of electoral change on stylistic change is determined by the degree of co-variation between stylistic and electoral change for the small number of members elected by close margins and by zero covariation

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for the much larger set of members elected by wider margins. In the Senate, a comparable use of dummy variables for region and party is also not well explained. Indeed, the textual discussion adds to the confusion, leaving one to question the appropriateness of the method to the task. Regardless of the judgment on this and other issues raised in this review, this book deserves a careful consideration by students of Congress.

AAGE R. CLAUSEN
The Ohio State University

Reagan and the Cities *edited by George E. Peterson and Carol W. Lewis. Washington, D.C., The Urban Institute Press, 1986. 251 pp. Cloth, $27.95; paper $14.95.*

By my count, this is the twenty-fifth book in the Urban Institute's Changing Domestic Priorities series on the effects of the policies and programs of the Reagan administration. And it is a very good book. It is impressive that the quality control on this series has been so high. This volume is a collection of eight nicely connected essays on the effects of Reagan's policies on cities. It is not an integrated history, overview, and synthesis, but it is a striking book for the hard-hitting way in which the editors and authors have stated their findings and, one would think, sublimated their own preferences to provide us with some surprises. The book provides an objective, informative, real-world analysis of the effects of Reagan's policies.

In an excellent introductory essay, the editors state that the early predictions about how the cities would fare under Reagan were "too pessimistic." The Reagan policies that got most attention, like the initial budget cuts, they suggest, look very different on the ground in cities. They tend to get lost in "the stream of other events." Moreover, in many cases local officials favored budget cuts made under Reagan, particularly in programs where they are asked to serve as "agents" to carry out federal policies. And in another surprise, the general conclusion for nonprofit organizations is that "their ability to survive financially was equally impressive" (p. 5). Reagan's first term is seen as reaffirming the critical role of state governments in American federalism, a conclusion with which this reviewer strongly agrees. The editors highlight the conclusion of contributor John Stuart Hall that "American federalism at its best is sort of a catastrophic insurance plan. . . . When the dam breaks, federalism fixes it. Under stress, American federalism forces American governments to cooperate" (p. 9). The system, in a word, is self-correcting.

There are many good chapters in this book. Peterson's chapter on urban policy and the cyclical behavior of cities deserves a close reading. He takes issue with the conventional view that the worse things get for the economy, the worse they get for cities. His data show that older, distressed large cities tend to do relatively better than other places in recession periods, and his argument and analysis are convincing.

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Other essays in this book reveal some surprises. Sarah F. Liebschutz's chapter on the effect of social policy changes in Rochester, New York uses local survey data to show that the changes made in this area may have helped some poor people by stimulating them to make it on their own in a way they themselves said they favored. At one point, she says, "A surprisingly high percentage of households terminated from AFDC thought their life situation had improved; a large number said they expected life to be better in the future" (p. 153). Marc Bendick, Jr. and David W. Rasmussen gave high marks to state enterprise zone initiatives in the Reagan period, though noting that they "derive little more than their name from the original enterprise zone theory" (p. 118).

This book contains case-study chapters on Massachusetts (focusing on Proposition 2 1/2); Rochester, New York; Stamford, Connecticut; and Phoenix, Arizona. It also contains an analysis focused on health policy changes under Reagan, though it appears that most of the data presented in this area cut off in 1982, thus missing a lot of the interesting action since then.

Common problems with collections of essays is that they are uneven, lack original data, and fail to come together. None of these problems exist for *Reagan and the Cities*. The papers in this collection are uniformly of a high quality, interesting, fresh, and worthwhile; they fit together very well.

RICHARD P. NATHAN
Princeton University

Higher Learning *by Derek Bok. Cambridge, Mass., Harvard University Press, 1986. 206 pp. $15.00.*

Derek Bok joins a long line of Harvard presidents in providing a thoughtful overview on the state of American higher education. It is particularly heartening and significant that Bok, the president of one of the world's most celebrated research universities, devotes a substantial portion of his book to a discussion of undergraduate education and, even more, that he reaffirms its centrality within the university.

Higher Learning is essentially a survey of the American system of higher education—and an extremely thorough one at that. Not surprisingly, Derek Bok understands universities well—their driving forces, their nuances, their history. His discussion of the various issues confronting higher education and of the possible means of addressing them is accurate and exhaustive. In a way, sadly, it is that very completeness that both undermines the book and frustrates the reader. Bok tells us that the subject of the book is "the teaching of students" (p. 2) and correctly guides our attention to an investigation of "the process of learning" (p. 59), but then becomes so enmeshed in assessing the pros and cons of every variable surrounding those critical issues that the book, while useful and informative, becomes more of a commentary on the state of higher education than an articulation of its future direction. This is not to say that Bok neglects to discuss many

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of the crucial needs of higher education for the future, in both substantive and procedural terms, but the discussion never quite comes together as a presentation of his vision for higher learning.

With respect to undergraduate education, Bok's articulation of the need for periodic curriculum reviews, more active and involved learning, some form of assessment of the results of an undergraduate education, and a shared understanding and clear statement of the objectives of an institution is right on target. So too are his calls for greater attention to the teaching of ethics and public policy and for student involvement in public service. Similarly, with respect to professional schools, Bok's suggestion of courses on such topics as the history of a profession and professional responsibility are welcome, as is his urging for more attention to clinical education (in the case of law schools) and other forms of more active methods of instruction. But what about, for example, doing more acknowledging, as he does, that the "perennial problem for law schools has been to sustain student interest after the highly successful first year" (p. 103), and considering whether it should be two years instead of three, or whether some elements of the third year couldn't instead be covered in a required professional education program that comes after a few years of practice?

We all, academic presidents especially, should be grateful for the book's comprehensive discussion of so much important material and its suggestions about the future. And yet, precisely because the author is such an informed, thoughtful, intelligent, and central participate on the higher education scene today and because higher education itself is under such intense scrutiny and criticism, it is disappointing that *Higher Education* does not itself reach higher and offer a more radical, provocative, and compelling statement on the subject.

ELLEN FUTTER
Barnard College

Taking Reform Seriously: Perspectives on Public Interest Liberalism *by Michael W. McCann. Ithaca, N.Y., Cornell University Press, 1986. 345 pp. $29.95.*

A striking feature of the politics of the 1960s was a prominent appeal to the norms of equal rights and the public good, and little concern for class interest and class conflict. Michael McCann's erudite, insightful, and sympathetically critical study illuminates one of the lasting consequences of the 1960s: the emergence of professional public interest organizations. From Common Cause and Ralph Nader's Public Citizen to a host of consumer and environmental groups, we now have a new set of major actors in the national political process.

As McCann points out, this development has its radical side, for the new public interest groups have expanded government intervention in the economy. Beyond regulating financial transactions in the market (including the labor market), this new movement has sought qualitative changes in the economy, protecting the environment, ensuring consumer safety, and the like, by affecting the "actual produc-

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tion process" (p. 85). So too, they have moved beyond the electoral arena to directly intervene in policy making itself, advocating the public's interest with unprecedented professional expertise.

Yet as McCann argues, this new version of upper middle-class reform has very real limits, whether the public interest militants recognize it or not. Organizationally, they have fought bureaucratic corporate power by building their own bureaucratic capacities, at the cost of little if any participation by their own rank-and-file supporters. Strategically, they have turned to the law and the courts that Alexis de Tocqueville saw as a bulwark of American conservatism. Theoretically, these new groups wear the same "fabric of ideas that has clothed the American body politic for centuries" (p. 72).

McCann's judicious yet challenging and often compelling critique pivots on this insight. He points out, for example, a notable indifference to macroeconomic issues like growth, on which lower-income groups depend for progress. Indeed, the focus on the familiar American issues of violated rights and specific abuses almost unavoidably obscures the larger questions of "economic issues and planning" (p. 169). Yet the most important problem may be theoretical, that is, a pervasive individualism that has encouraged "chronically disintegrative tendencies" characteristic "of the American liberal tradition . . . [which the reformers themselves have] sought to overcome" (p. 210). Unwilling to explore, or at least believe in, "radical alternatives" (p. 256), the reformers remain imprisoned in a liberal social order they seek to improve but not change. Indeed, "the new consumer agenda tends to reflect as much as challenge the instrumental, utilitarian, subjectivist interest orientation . . . inherent in [a liberal] capitalist society. . . . Consumer utility alone, however inner directed or health conscious, cannot provide the moral criteria necessary to legitimate expansive state action" (p. 242).

This brief account cannot do justice to McCann's excellent, clear headed summaries of the literature, his fair-minded appraisals of complex political and economic relationships, and his admirably balanced assessments of often tangled scholarly disputes. Even if much of its data is drawn from secondary sources, *Taking Reform Seriously* makes an impressive scholarly contribution to the literature on groups and pluralism in American politics.

Yet even on its own terms, McCann's argument is clearly incomplete on the central issue of the reformers' limited theoretical vision. Even though he finds Marxist categories to critique the new reformers, he does not draw on the Marxist tradition in building a theory of his own. Nor does he mark out some other trail for these activists to follow. But it seems possible, at least, to look for that alternative in the anti-utilitarian elements of the American political tradition so prominent in almost every other public-regarding reform movement in American history. Although McCann has written a first rate book on public interest politics, he raises as many questions about American political culture as he answers.

J. DAVID GREENSTONE
The University of Chicago

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The Establishment Clause: Religion and the First Amendment *by Leonard W. Levy. New York, Macmillan, 1986. 236 pp. $16.95.*

Successful in substantially reconstructing the federal judiciary by diligent political use of the appointment power, the Reagan administration has sought—unsuccessfully, to date—to subvert the current and well entrenched constitutional law pertaining to the Establishment Clause. Ideological opposition to some of the Supreme Court's holdings, especially those invalidating governmentally-sponsored prayer in public schools, has been loud and frequent and has doubtless impelled Attorney General Edwin Meese III and other members of the administration (for example, Secretary of Education William Bennett) publicly to challenge the Court's disposition.

Moved by his jurisprudence of "original intention" and guided by jurisconsults steeped in what others dismiss as an illusory search, Meese has claimed that the Establishment Clause was intended to prohibit Congress only from establishing a national church or from preferring one faith or sect over all others. Leonard W. Levy designates advocates of this view (such as Meese, Bennett, and Chief Justice William H. Rehnquist) as "nonpreferentialists," and the thesis of this book is "that the nonpreferentialist position is historically groundless" (p. xiii).

Levy marshalls abundant historical information that seriously impugns every argument developed by the principal advocates of nonpreferentialism, scholars as well as governmental officials. His evidence is strong but hardly conclusive enough to merit his intemperate dismissal of the nonpreferentialists; they are "innocent of history"; they possess "a tin ear for history"; and "flunk history"because they "have no historical memory" (pp. 91, 93, xii, 118). In Levy's judgment, the nonpreferentialists are really partisans, "on the side of the angels by preferring religion over irreligion" (p. 118).

Perhaps this is true, and perhaps the advocates of nonpreferentialism are not as esteemed or as adept as historians as is Levy, who is one of America's most distinguished constitutional historians. Yet Levy recognizes, as any scholar must, that the quest for the original intent is fraught with ambiguity and inconclusiveness and that very little can be proved: "We live in an imperfect constitutional universe cluttered with ambiguities, mysteries, and inconsistencies. History confounds us" (p. xiv).

Therefore, it is strange that he rejects as almost ludicrous the nonpreferential interpretation which, despite the embellishments and support of Ed Meese, has commanded a respectable following. It is equally surprising that his analysis "proves that the framers of the establishment clause meant to make an explicit point on which the entire nation agreed: The United States had no power to legislate on the subject of religion" (p. 89). Anyone, however, who reads Levy's Appendix will wonder how any historian could prove anything; the "principal sources" either "do not exist" or are "incomplete and yield few definite answers" (p. 187). "Nor do other sources offer much enlightenment" (p. 189). Nonetheless, he writes with conviction: "It was specifically this public support on a nonpreferential basis that the

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establishment clause of the First Amendment sought to forbid" (p. xvi). In fact, Levy's examination of the Constitutional Convention shows him "that Congress was powerless, *even in the absence of the First Amendment*, to enact laws that benefited one religion or church in particular or all of them equally and impartially" (p. 66). Even if Levy's analysis is correct, his caveats on original intent hold hostage his own historical conclusions.

His penultimate chapter is a rather discordant critique of some of the leading cases in which the Supreme Court has divided over the meaning of the Establishment Clause. Levy has little trouble defending his arguments that the Court "has been erratic and unprincipled in its decisions" (p. 163), and that the Court's announced tests "have little to do with decisions" (p. 129). Establishment law is incoherent. Levy would like to see a "wall of separation" but one marred sufficiently with socially desirable "leaks." Incoherence thrives on exceptions, and Levy's metaphor could spawn as whimsical a jurisprudence as we now have.

The final chapter deals with the most difficult assertion that Levy tries to make. Whatever the Establishment Clause means, it was never intended to bind the states, from which almost all Establishment cases emerge. The Court, of course, to restrict the states, has "incorporated" that clause into the Fourteenth Amendment's Due Process Clause, "and nonpreferentialists hate that fact" (p. 165). Levy fails to defend the incorporation doctrine (which Meese and others have attacked) except to reiterate that the incorporation process was begun by conservative judges and to insist that even a Reagan-packed Court "will not turn back the clock" (p. 171). This is hardly an intellectual defense of the doctrine itself. He adds that if not for the incorporation of the First Amendment against the states, "the states would be free from the restraints of the United States Constitution and would be able to enact any measure concerning religion" that did not contravene state constitutions (p. 166). This exaggeration ignores the potential of the Equal Protection Clause. Levy's book provides an experienced voice in the contemporary debate about the separation of church and state, but certainly not anything close to the final word on the subject.

JAMES MAGEE
University of Delaware

The Case against the Constitution: From Federalists to the Present *edited by John F. Manley and Kenneth M. Dolbeare. Armonk, N.Y., M.E. Sharpe, Inc., 1987. 199 pp. Cloth, $25.00; paper, $12.95.*

This volume is the work of professors who do not choose to celebrate the bicentennial of the United States Constitution. They reach back into history to the report of the minority delegates to the Pennsylvania Ratification Convention in 1787 and to the words of Federal Framer, Richard Henry Lee, to present contemporary reasons to oppose ratification. They maintain basically that the Constitution does

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violence to the principles of democracy embodied in the Declaration of Independence and advanced in the Articles of Confederation. For these antifederalists, the cure is worse than the problem and too much power is concentrated in an overly strong central government.

In addition to those who were around in the days of ratification, they go back into the academic world to publish classic essays of J. Allen Smith and Charles A. Beard, who present their analyses of the Constitution's adoption in terms of economic class. The Constitution represents the victory of elite and wealthy businessmen and creditors who want their position in society secured and their ability to maintain that position preserved. The instrumentalities to preserve this are the system of checks and balances, the power of judicial review, and restrictions on the power over states to regulate commerce. For these scholars, James Madison's checks and balances are not neutral principles, but rather the product of economic elites securing protection against the people.

The essays of the modern contributors—Jackson Turner Main, John F. Manley, Kenneth M. Dolbeare and Linda Medcalf, and Jeanne Hahn—in some respects go further than the traditional works just cited. In Manley's essay, the analysis is in class terms, with the Framers emerging as convinced that they had to protect the wealthy from the people. The people are seen by the Framers as the enemy of the republic, although they have some limited role in implementing a system of checks and balances. Manley also sees the Constitution's primary role as upholding the private property interests of the most powerful class. Manley's position follows that taken by Jackson Turner Main, who concludes that the overrepresented class of wealthy delegates to the Constitutional Convention were dedicated to the preservation of their own class.

The essay most critical of the Constitution as an instrument of democracy is the one written by one of the volume's coeditors. For Kenneth Dolbeare and Linda Medcalf, Alexander Hamilton is the enemy. He is responsible for a panoply of provisions that restrict the effectiveness of popular majorities. These include the basic design of the national government, the method of selecting the government's officeholders, judicial review, limitations on the power of the states and localities, checks and balances, the balance of power, the protection of private property rights, and on and on. To them, Hamilton single mindedly pursued economic objectives that benefited the wealthy classes; and he, not Madison, served as the driving force for the Constitution.

To Dolbeare and Medcalf the problems of current United States politics are even worse and far more fundamental than most contemporary critics realize. They see America's government as too centralized, with bureaucracy too grid-locked and too far removed from the people. They respond with eight "practical" suggestions for restoring some local control, but they are admittedly vague about how their suggestions can be effected. *The Case against the Constitution* is an admittedly provocative volume that throws cold water on the bicentennial celebration. To the credit of the Founding Fathers and those who have fought to preserve what the

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Founders have wrought, we are all able to enjoy the opportunity to read and consider the validity of this volume's dissent.

FRANK J. MACCHIAROLA
Columbia University

Politics and Vision: The ADA and American Liberalism, 1947–1985 *by Steven M. Gillon. New York, Oxford University Press, 1987. 289 pp. $24.95.*

One should not be misled by the subtitle. This vivid and absorbing history of postwar American liberalism—and, more particularly, of its self-appointed embodiment and voice, Americans for Democratic Action (ADA)—does not balance its pages among the four decades it professes to cover. After a brief pre-history, the book devotes 208 pages to the years from 1947, when the ADA was founded, to 1968, and only an epilogue of nineteen pages to the subsequent seventeen-year period.

This eleven-to-one ratio perhaps reflects the author's estimate of the importance and influence of the ADA before and after the climactic year of 1968. Before that year, the tension within the organization between politics and vision was never absent, but politics usually won out. The zealots were outvoted, and the practical leadership aligned the ADA in support of Democratic presidents and candidates while trying to nudge them gently toward the left. But in 1968 ADA was captured by the anti-Vietnam movement and endorsed the hopeless presidential candidacy of Eugene McCarthy. New members flooded in, but many long-time supporters withdrew, including the presidents of some major labor unions, and the character of the organization changed. Thereafter, it pursued the politics of vision, fading to "only a shadow of what it was before 1968" (p. 243). Gillon sums up its plight: "The organization's unflinching commitment to unpopular causes has left it isolated and alienated, on the periphery of the political landscape" (p. 242). It has lost its middle-class values and its working-class support and become the organ of various fringe groups, including feminists, gay rights advocates, environmentalists, socialists, and so on. Political aspirants, who once courted it, avoid it now.

Yet the reader is left wondering how influential the ADA ever was—as a national organization, that is. Many of its long-time leaders unquestionably were at the center of political decision and action in the Truman, Kennedy and early Johnson years—liberal battlers such as Hubert Humphrey, Joseph Rauh, Gus Tyler, Arthur Schlesinger, Jr., John Kenneth Galbraith, and Leon Keyserling. But they were influential in their own right, not because they were members of ADA. They gave the organization its stature, not the other way around. If one avoids the trap of giving ADA credit as an organization for what its leaders did as individuals—a trap Gillon himself falls into in discussing the row over seating the Mississippi delegation at the 1964 Democratic convention (p. 163)—one ends up pondering how, if at all, history would have been different if the ADA had never been created.

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In his final two sentences, Gillon contends that liberals must choose between politics and vision—between influence and principle—that they "must confront the travail of redefinition." But why must there be a single definition of liberalism? As a philosophy and as a political movement, liberalism, like conservatism, has many strands and many dimensions, and it will always have its visionaries who pronounce principles and goals and its pragmatists who temper the principles to what can be accomplished at any given time. The fallacy—and the arrogance—of the ADA is that abetted by the media it has purported to give liberalism its official definition, in the same way that the Vatican defines church doctrine or the Politburo lays down the party line. Thus a liberal had to be in favor of the Democratic president's Vietnam policy in the early 1960s but against it a few years later. The wonder is that an organization that claimed the authority to define liberalism and sit in judgment on liberals—as in its most conspicuous public act, the periodic bestowal of liberalism ratings on members of Congress—survived as long as it has.

The book would have benefited by more rigorous checking of facts. Thus the author makes Richardson Dilworth mayor of Philadelphia in 1950, six years too early; has Thomas Finletter challenging New York Governor Averell Harriman for reelection in 1958, which he did not; and has Senator John Kennedy appointing the chairman of the Democratic platform committee in 1960, which only the Democratic National Committee through its chairman can do. Equally disconcerting is the footnoting, which offers no source at all for many provocative quotations and obscures the authorship of most of the others by citing multiple sources for entire paragraphs. But these defects do not seriously detract from an admirable and entirely readable work.

JAMES L. SUNDQUIST
The Brookings Institution

The Chinese Army after Mao *by Ellis Joffe. Cambridge, Mass., Harvard University Press, 1987. 210 pp. $20.00.*

This masterful survey of current Chinese military policy replaces all earlier works, not only as the most up-to-date treatment of the subject, but the most accessible, complete, and balanced as well. Joffe is not a military man, as are most western authorities on the Chinese military, but a professor of Chinese studies at the Hebrew University of Jerusalem. But he has been writing authoritatively on the People's Liberation Army for well over twenty years and brings to his subject a strong historical perspective, a calmly realistic judgment of international realities, and a wide reading of both the specialist secondary literature and the Chinese press in translation. He writes without excessive jargon, yet with the technical knowledge necessary to make sense of military subjects.

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The central theme of the analysis is that Deng Xiaoping has thoroughly reversed Mao Zedong's military line in every area—threat perception, battlefield doctrine, military organization and training, the role of the political department in the military, weapons preferences, foreign and domestic weapons acquisitions, foreign weapons sales, disarmament, and last but not least, civil-military relations. This analysis is founded on Joffe's resolutely unhysterical view of China's international position and internal politics. Chinese military and civilian leaders agree, he argues, that China faces no realistic short-term military threat from the Soviet Union, its major enemy. The military has thus accepted Deng's argument that long-term military modernization requires short-term budget cuts so that the country can concentrate on economic development. And with Deng firmly in command of internal security, the military has been happy to resume its long-suppressed professional ethic and withdraw from civilian politics.

This is a picture very different from the military involvement in factional struggles perceived by many analysts, especially those situated in Taiwan and Hong Kong. Either view, of course, is based on the scrutiny of some rather dim tea leaves. Joffe's opinion, based on an understanding of history, a close reading of the Chinese press, and especially on common sense, is generally persuasive. But one may still wonder how well it squares with some recent events, such as the reported role of the military leaders in the January 1987 fall of Hu Yaobang and the inability of Deng Xiaoping at the recent 13th Party Congress to transfer to a younger leader the chairmanship of the Central Military Commission.

Joffe refers several times, without comment, to press reports of Israeli assistance to China in weapons procurement and development. One feels he would have known if such reports were too baseless to deserve repeating. That he repeats them is interesting in light of recent subtle moves on China's part toward accepting the Israeli desire for normalization of relations within the next few years. Elsewhere, his treatment of China's arms trade provides an interesting context for understanding the recent U.S.–China squabble over the sale of silkworm missiles to Iran: Joffe points out that thanks to the Iran-Iraq war, in recent years China's income from arms transfers has annually exceeded the total value of her sales in the preceding two decades.

Even the resolute quibbler will find few nits to pick in this expert work. On p. 150, Joffe seems unaware of the fact that the party and state military commissions are the same organ with two names, admittedly a fact the Chinese have not been anxious to clarify. On p. 165 he errs in describing Yang Shangkun, who after the book was published was appointed permanent vice chairman of the Central Military Commission, as "lacking a military background"; although his post-1949 work was in party affairs, Yang served as an army political officer from 1933 until at least 1946.

ANDREW J. NATHAN
Columbia University

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Development Strategies and the Status of Women: A Comparative Study of the United States, Mexico, the Soviet Union and Cuba *by Margaret E. Leahy. Boulder, Colo., Lynne Rienner, 1986. 167 pp. $25.00.*

This book, as the author states in her preface, does not present new information about the condition of women in the four countries analyzed. Instead it compares them in a systematic way, providing historical background of contemporary changes that have affected women in each country up to the present. The author has chosen two sets of countries—Mexico and the United States on the one hand and Cuba and the Soviet Union on the other—following what she calls a liberal/capitalist and a Marxist development strategy respectively. The objective is to contrast the economic model associated with West Europe and the United States with that of a centrally planned economy à la Soviet Union. In doing so, Leahy seems to assume that *the* socialist model is one based on state ownership of the means of production and state control over accumulation and allocation of resources. That is, she does not discuss the possibility that socialist relations of production might be introduced through more decentralized and mixed models that include the use of the market as well as different forms of collective (i.e., not necessarily state) ownership of the means of production.

For each country Leahy presents an overview of different indicators of women's equality ranging from variables that capture the degree of women's political power to those that reflect their economic condition and social status. Under the first category—political power—she includes changes in women's legal rights, political influence, and social authority. Women's economic position is examined through their participation in the labor force, their occupational distribution, remuneration, economic rights, and education and training. Finally, women's social status is evaluated through the analysis of women's social rights, through what Leahy calls the recognition of women's dual social role and women's social identity. Each of these variables is broken down further to analyze in more detail what has happened over time and the current situation. To illustrate with two examples, economic rights refer to employment rights, wage policies, job security, trade union rights, and maternity rights; while the recognition of women's dual role includes an account of the availability, quality, and costs of child-care and of the availability of surrogate household services.

Several conclusions are drawn from the overall comparison of women's equality and status in the four countries. First, Leahy makes clear that progress has been registered in all the countries, even though equality between women and men is far from having been reached in any case. In the United States, the impressive gains made by women in terms of increasing participation in the labor force and at almost all educational levels have been accompanied, Leahy points out, by little or insufficient progress in political power, the challenging of traditional gender roles, and the "socialization of the burdens of reproduction." In fact, Leahy argues that these changes cannot occur "in a political economy where efficiency and private profit take preference over equality and social need" (p. 45). The same argument

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is applied to the case of Mexico for which Leahy's conclusion is that "equal rights and industrial growth have not combined in a way that affords women either social mobility or social equality" (p. 61).

In the case of the Soviet Union and Cuba, Leahy tends to present a rather favorable picture of their accomplishments. Soviet women, she argues, have made impressive gains toward social equality. In the economic realm, women have moved into most occupations, "including the most prestigious"; in the political realm, she finds them to be fairly equally represented at the local, regional, republic, and judiciary levels, but not at the national level. However, "Soviet women have made such gains by assuming a double burden" (p. 86) and it is here where the limits of these gains are to be found. In Cuba, Leahy argues, programs and policies stressing women's equality have been prevalent and Cuban women "have made a substantial degree of progress" (p. 115). However, she finds this progress to have been hindered by a limited economic base, particularly limited industrial growth.

The book is useful as a summary of the gains made by women in these countries while also pointing out the limitations. The scope of the book, however, does not allow for a great deal of depth and the reader is often left with more questions than those included in the analysis. What is missing, for example, is a more specific evaluation of how women themselves have struggled and achieved their goals in each country. This would help us to understand the degree to which a "feminist consciousness" was or was not at work and to evaluate and compare the traditional Marxist view of "the woman question" with the contributions made by the new feminism of the past twenty years.

LOURDES BENERIA
Cornell University

Reevalulating Eisenhower: American Foreign Policy in the 1950s *edited by Richard A. Melanson and David Mayers. Urbana, University of Illinois Press, 1987. 277 pp. $26.95.*

The contributors to this volume have tackled a worthwhile task—to summarize the results of recent research into the foreign policy of the Eisenhower administration—and they have for the most part succeeded in their endeavor. Kenneth Thompson and Richard Melanson assess the philosophy and style of Republican policy making; Norman Graebner and David Mayers analyze American relations with the Soviet Union and China; Richard Immerman examines the decision against military intervention in Indochina in 1954; Thomas Zoumaras uses Latin America as a case study of foreign economic policy; William Stivers and Anne-Marie Burley focus respectively on problems in the Middle East and Germany; and Robert Strong provides an overview of Eisenhower's efforts toward arms control. Additionally, editors Melanson and Mayers comment on the burgeoning literature in the field.

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The authors give a mixed reception to the revisionism of Fred Greenstein, Robert Divine, Stephen Ambrose, and others. Graebner remains unconvinced that much solid thinking lay beneath the rhetoric of the President and Secretary of State John Foster Dulles. Although conceding that their care to avoid crossing Republican conservatives produced policy that immediately was more "meaningless" than dangerous, Graebner contends that harping on the Communist threat put the administration and its successors on the path that ultimately led to Vietnam (pp. 81, 85). Burley interprets administration actions in respect of German rearmament and reunification as evincing a simplistic and blinkered belief that there could be "no middle ground anywhere in the world" between the United States and the Soviet Union (p. 221). By contrast, Mayers credits Eisenhower and Dulles with considerable subtlety in applying pressure to the Sino-Soviet alliance. Melanson sees the President as "mixing Hoover with Wilson" in producing a blend of fiscal conservatism and international liberalism that captured the spirit of the era in America (p. 44). If other contributors are more difficult to place on an orthodox-revisionist axis, this fact testifies less to conceptual confusion than to a commendable broadening of debate.

As a self-conscious "intellectual descendant" (p. 5) of Richard Kirkendall's two volumes on the Truman era as a research field, the present work would prove more valuable had the authors consistently indicated the nature, location, and availability of pertinent records. The most assiduous investigator of American policy toward Southeast Asia will be hard pressed to find materials Immerman has not sifted. Zoumaras likewise covers his ground in thorough fashion. But other contributors have relied heavily on secondary sources, and not always on the most up-to-date ones. Graebner, as usual, makes a persuasive argument, but the reader would feel more secure accepting his conclusions regarding American relations with China if his essay reflected serious consideration of the large body of work published on the topic during the past decade and of the even larger quantity of declassified documents. Strong provides adequate guideposts to the literature on arms control, but the student inspired to original work will head off to the Eisenhower Library in Abilene not knowing what to expect to find.

Some of the essays appear here for the first time; others derive from chapters and articles printed elsewhere. For specialists, *Reevaluating Eisenhower* holds few surprises. Accessibility, rather than originality, is its strength; which doubtless is what the authors intended.

H. W. BRANDS, JR.
Texas A & M University

Politics and Society in the South *by Earl Black and Merle Black. Cambridge, Mass., Harvard University Press, 1987. 363 pp. $25.00.*

The political behaviors of the South and the peculiar conditions that bred them have provoked a large, expert, and diverse set of commentaries across the last half

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century. This deeply informed and clearly presented work by Earl and Merle Black draws heavily and discerningly on that rich literature, including the contemporary results of public opinion polling, to produce a book with an independent, coherent, current interpretation of southern political evolution. The authors emphasize the centrality of the Negro to the southern experience. They correctly see the changing attitudes of blacks toward themselves and the changing attitudes of whites toward them as the crucially important dynamic forces—among many dynamic forces—that have cracked old customs and opened the way to a more complex politics that is of increasing service to increasingly diverse constituencies.

The major merit of the book is exemplified in its title. The authors address southern politics in the context of southern society; and that context includes the larger national society and its politics. Emphasized throughout are two realities, the authenticity and yet the partiality of southern change. "Though undeniably the region is less isolated and parochial, less 'southern' than in the past . . . there is no reason to suppose that the region will soon be completely absorbed into a homogenous national political culture" (p. 196). In that context the book addresses the South's trends towards industrialization and urbanization, the diminished influence of black belt whites, the increase in middle-class population and values, the "transformation" of relations between blacks and whites within the region, the significant growth of Republican competitiveness in state as well as presidential elections—withal, the changing electoral attitudes and allegiances and steady "reshaping of southern politics." The results of it all constitute no comprehensive social or political revolution, but "no longer does the white South differ radically from the rest of the nation in its treatment of black people" (p. 293), and it has become more of a piece with American politics elsewhere.

The veterans of southern political studies can feel rewarded by the catholicity of the Blacks' sources. There are over sixty footnote references to V.O. Key's 1949 study of southern politics, and the works of few if any other laborers in the regional vineyard have been ignored or gone unappreciated. It will be a miracle if active analysts of contemporary politics do not find something in the wealth of the data and the courage of the judgments offered to argue about, but the disciplined independence of interpretation, the patient acceptance of ambiguity and uncertainty, and the respect shown to the humanness of the subject leave at least one old hand admiring and grateful.

ALEXANDER HEARD
Vanderbilt University

Why Presidents Succeed: A Political Psychology of Leadership *by Dean Keith Simonton. New Haven, Conn., Yale University Press, 1987. 292 pp. $22.50.*

Simonton's book departs from the mainstream in at least two ways. Whereas most of the literature on the American presidency is qualitative, this work employs a quantitative approach. And whereas most presidential studies reflect the thinking

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of only one discipline, this one constitutes a deliberate attempt to synthesize findings by historians, political scientists, and psychologists.

The book is concerned first with criteria of presidential success and second with the relative significance of individual factors and situational factors on political outcomes. Simonton argues that there are four principal criteria of presidential success: election victory, popularity in the polls, administrative performance, and historical greatness. In three out of four of these the evidence is straightforward. Thus with regard to electoral success Simonton's argument could hardly be simpler. Since American history is replete with leaders who might have been good presidents were it not for their failure to gain access to the Oval Office, the first criterion of success must be electoral victory. His review of the data reveals that while the personal traits of candidates are important, they are rather less important to gaining access to the nation's highest office than the context of the campaign.

The second criterion of presidential success is as easy to appreciate as the first: the more people approve of the way the president is handling his job, the more successful he is likely to be judged. Here too the times appear to be more important than the man. That is, we know that all presidents are likely to be most popular early in their term; that economic conditions over which presidents have only an arguable degree of control have an impact on how presidents are perceived; and that international events, many of which are also beyond the chief executive's purview, also play a role in shaping public opinion.

Simonton terms his third criterion of presidential success "administration performance." Here, though, his argument is murky. There are two main problems. The first is that what is included under this heading relates only tangentially to what the president accomplishes in office. Thus, for example, the discussion on foreign policy talks much more to the issue of how certain personality traits affect positions on foreign policy issues than it does to what the president actually does in this realm. The second problem is that "performance" is precisely that measure that most presidential scholars consider the most valid indicator of success. In other words, political scientists in any case have not by and large put much stock in public opinion or indeed in the judgments of experts as signs of effective performance in the White House.

The discussion on historical greatness is one of the more interesting in the book. It clearly distinguishes between what has happened and what historians perceive to have happened. And it presents overwhelming evidence that six variables—years in office, war years, scandal, assassination, war heroism, and intellectual brilliance—enable us to predict over four-fifths of the variance in assessed greatness. Simonton's rather detailed review of the empirical research that relates to success as he defines it makes for informative if not particularly lively reading. Moreover, in spite of themselves, readers will enjoy watching Simonton take on scholars like James MacGregor Burns and James David Barber, who have long had a major impact on presidential studies.

The problems then lie more in what Simonton does not do than in what he does. Above all, he does not take his own title seriously. He spends hardly any time

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reflecting on what really constitutes success in the Oval Office. And he does not—despite the claim of his subtitle—undertake a political psychology of leadership, which must necessarily address the interaction between leaders and followers. Withall, the book is recommended reading for presidential scholars. It is both a good source of information drawn from different disciplines and a useful corrective to at least some conventional thinking.

BARBARA KELLERMAN
Fairleigh Dickinson University

Controlling Bureaucracies: Dilemmas in Democratic Governance *by Judith Gruber. Berkeley, University of California Press, 1987. 232 pp. $29.95.*

The basic argument of this book is that democratic control and bureaucratic efficiency are at odds with one another. Thus all strategies intended to increase democratic control of bureaucracies pose dilemmas because they involve sacrificing some of one valued good for another. Greater democratic control involves constraining bureaucrats, and this involves enforcement costs to the controller and/or effectiveness costs to the society. The author seeks to unpack the costs and advantages of alternative means for democratic control so that we can better understand the dilemmas involved and presumably make better decisions. She arrives at three conclusions: the need to think about control in a differentiated fashion, the need to understand the broader context in which control is exercised, and the need to adopt a broader perspective on the task of controlling bureaucracies. That broader perspective is the substitution of an exchange theory of bureaucratic control for the older authority based conceptions.

Chapter 1 analyzes the literature and identifies five "idealized perspectives" differentiated by their placement on two dimensions of procedural and substantive constraints. The control mechanisms are: procedures to increase popular participation, requiring consultation with clients, a larger role for elected officials, creation of accountability mechanisms, and self control. Chapter 2 deals with two issues out of democratic theory—the level of citizen/public official competence and the ends of government—and their implications for preferred control mechanisms. Basically, the higher the level of presumed outsider competence, the higher the level of procedural and substantive competence favored. As for the ends of government, those seeing the purpose of government as the preservation of individual liberties favor high procedural and low substantive constraints, while those who want government to serve popular ends favor the opposite pairs.

In order to understand the context of control, two lines of argument set the context: constraints involve costs to controllers and to society; there are important differences among bureaucracies that shape how they respond to attempts to constrain their behavior. Chapter 3 tells us about the trade-offs that pose the book's central dilemma. Increases in democratic control are not free. Effectiveness costs are incurred when controllers tell bureaucrats to do the wrong thing or unduly

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restrict their behavior. Enforcement costs include the costs of monitoring bureaucratic behavior, assessing responsibility and sanctioning. Effective control strategies—minimizing efficiency losses and enforcement costs—require the cooperation of bureaucrats. Thus it is useful to know what bureaucrats think (they like discretion and resist intervention, chapter 4). Furthermore, we should also understand the technological and environmental differences among agencies and how these differences affect the "core identities" of the people who work in them (chapter 5).

The author faults the traditional perspectives for too heavy a reliance on traditional conceptions of authority and for presumably avoiding the dilemmas by assuming away the transaction costs of establishing and maintaining control. She argues instead for an exchange model intended to gain the cooperation of bureaucrats on what amounts to a quid pro quo basis. This approach advises avoiding directly confronting "core identities" and making use of bureaucrats' need for such goods that potential controllers might provide as money, information, and cooperation.

Like all good books, this one raises further questions for the reader. The synthesizing of the control literature produces a conception of bureaucracy that is necessarily but disturbingly abstract. By focusing on what amounts to ideal-typic elements of bureaucracy, the analysis neglects the extent to which, for example, real world bureaucracies have been produced and shaped by previous generations of constraint mechanisms imposed in the name of democratic control and now internalized by bureaucrats themselves. Red tape, the civil service system of professionalization of functions, and agency capture by clients are all, looked at in another way, examples of how past control reforms become obstacles to current change. Thinking about bureaucracies as abstracted entities leads to a certain neglect of variation within organizations and competition within organizations and their implications for outside control. When experts are divided, for example, information costs for outsiders are often lowered. Many control attempts are directed at strengthening allies within organizations, rather than trying to impose a uniformly constrained environment on a whole.

There are, in addition, some problems with what I shall term asymmetries in the argument. The author convincingly argues that there are specific costs to constraining bureaucracies, but the discussion of benefits is left comparatively vague. In the discussion of exchange relationships, what bureaucrats can gain is clear; but what citizens get (other than some say in the process) is less developed. And what of the capacity to enforce bargains once concluded? Doesn't this raise, once again, the central problem of constraining the future behavior of bureaucrats?

The book's strengths are a clearly stated argument, a useful typology for differentiating approaches to controlling bureaucracies, a sensitivity to the costs of exercising control, and an interesting discussion of the relationship of work environments to bureaucrats' attitudes toward appropriate and inappropriate forms of outside influence. These are important and useful contributions to the literature.

ROBERT T. NAKAMURA
State University of New York, Albany

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Crisis and Leviathan: Critical Episodes in the Growth of American Government *by Robert Higgs. New York, Oxford University Press, 1987. 350 pp. $24.95.*

The thesis propounded in this book is that the growth of government in the United States can be explained as a process of responding to crises, principally to World War I, the depression of the 1930s, and World War II. The theory is that each crisis spawned an increased involvement of government in the economy and in the nation's social life. And this produced a cumulative ideological change that in the next crisis (genuine or contrived) made recourse to further growth of government all the easier. It is a ratchet-like process, as Higgs pictures it, in which a crisis spurs a leap above the previous path of government's growth, followed by a period of stability (as the crisis plays itself out), then by some relapse (though not to the earlier status), and in time by another upward ratcheting provoked by still another crisis.

It is not difficult to fit much of the federal government's growth in the last hundred years into this theory. The "panic" of 1907, for example, stirred a process that culminated in the establishment of the Federal Reserve System. The stock market collapse and the economy's subsequent plunge into depression in 1929–1933 brought forth a spate of interventions, of which many have survived. And World Wars I and II did the same (especially because of the precedent set by their recourse to the military draft), but with a lower survival rate for the interventions they generated.

However, it is by no means clear that the crisis hypothesis accounts for even the bulk of what constitutes government in the United States today, let alone all of it. Disability insurance, for example, now an enormously expensive program, was initiated in the 1950s not because there was a crisis to be met but because it was an extension (which social activists worked hard to achieve) of the general theory that quite apart from what a war or domestic crisis might cause it to do, government had an obligation to cushion all major interruptions in the flow of personal income, as it was already doing for those associated with old age and unemployment. The same was true of federally-sponsored health insurance, started in the 1960s after having been debated for thirty years. Continuing the list, public aid for transport facilities (including especially the Interstate Highway System), aid to agriculture, environmentalism, etc. are examples of governmental activities that owe their initiation and subsequent expansion to something other than crisis as it is pictured here. And how, in the context of a crisis theory, does one explain the nearly universal movement nowadays that shrinks government through privatization and deregulation?

But to make a case for a multicausal theory (Higgs occasionally alludes to it) does not deny the sometimes paramount importance of crisis in promoting the growth of government. It only urges that there be room in a theory of how government grows for the play of other forces, such as the inner dynamic that causes a bureaucracy to expand its scope in a seemingly inexorable manner, for the pressure of interest groups, for the everpresent readiness of elected officials of govern-

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ment to "do something" for their constituencies, and for the reluctance of western governments (noted by Colin Clark and Simon Kuznets) once their outlays have reached or exceeded about 25 or 30 percent of national income, to finance further increases in spending relative to national income by taxation, thus tending to generate inflation and sooner or later invite direct controls to suppress this unwanted consequence.

Some readers will not share the author's libertarian slant. The book ends with an expression of hope that "the American people may rediscover the worth of individual rights, limited government, and a free society under a true rule of law" (p. 262). Some may be put off by the occasional use of essentially pejorative language ("the perennially bloodthirsty Theodore Roosevelt," p. 127; a US Senator "leading the pack" that sought reorganization of the mobilization effort in World War I, p. 139; "the Baruch gang," p. 175; "Truman and his political pals," p. 245; "Sir Ronald," p. 254), even perhaps by the consistent capitalizing of Big Government. But it is unmistakably a book of major importance, thoroughly researched, closely argued, and meticulously documented. It should be high on the reading list of every serious student of the American political system.

R. J. SAULNIER
Barnard College

Still the Golden Door: The Third World Comes to America *by David M. Reimers. New York, Columbia University Press, 1987. 319 pp. Paper, $14.50.*

This well-researched and well-documented book provides an excellent narrative of the history of immigration to America after World War II. It focuses mainly on legislative and executive policy and pays relatively little attention to the impact of various immigration measures on labor market development and to the reciprocal influence of labor market trends on immigration policy. The center of the book's concerns is the Immigration Act of 1965, which allowed for the first time significant waves of immigrants from Asia to come to the United States. Much attention is also paid to the various congressional and presidential acts that allowed refugees from Europe, Cuba, and Asia to come in unprecedented numbers. Reimers deals in considerable detail with the legal as well as non-legal influx of aliens from Mexico and other Latin American countries.

The book unfortunately went to press just before the Immigration Reform and Control Act of 1986 was passed. Since this act brought about fundamental changes in immigration policies, especially in regard to the fate of the millions of illegal immigrants from Mexico and elsewhere, the information provided in this book is in some respects out of date. It is understandable, though, that the author lost patience when the pending legislation, which was finally passed in 1986, was several times defeated in Congress; he decided to publish the book without awaiting the final outcome of the complicated congressional battles.

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What strikes one when reading the account of the many legislative and executive actions pertaining to immigration is the failure of many of these policies to deal with possible implications. Despite the availability of many demographic and other social-scientific findings, the policy makers too often faced results of their actions that had been wholly unanticipated. Just one example will have to suffice.

When the amended 1965 immigration act was passed, legislators were aware that the so-called fifth preference for brothers and sisters of U.S. citizens had previously been used extensively by Italian and other European immigrants to come to this country. But they had failed to foresee that Asian families were typically larger than European ones, so that the fifth preference, that of brothers and sisters, created a snowball effect and helped increase Asian immigration to an extent apparently completely unforeseen by the policy makers. This seems to me a prime example of the failure of legislative and executive leaders to avail themselves of the advice of social scientists.

The author notes in his conclusions that immigration policies of the future will continue to be the results of contradictory pressures of those advocating sharply-defined limits on immigration and strict controls of undocumented migrants, while others continue, for example, to encourage people to emigrate to the U.S. and to visit and study here, "both of which can lead to future immigration, legal and illegal" (p. 252). No matter what the political climate of the future will be, an entirely consistent immigration program is not likely to emerge. It will continue to be a prime bone of contention for a long time to come. One may only hope that future debates will be conducted with more input from experts than has been the case in the past.

LEWIS A. COSER
State University of New York at Stony Brook

Will the Non-Russians Rebel? State, Ethnicity, and Stability in the USSR *by Alexander J. Motyl. Ithaca, N.Y., Cornell University Press, 1987. 188 pp. $24.95.*

Students of Soviet nationality problems have been divided into two opposing camps—the "disintegrationists" and the "nondisintegrationists." The disintegrationists see a Soviet multinational state that is increasingly unmanageable and likely to decay or even collapse. The nondisintegrationists believe that ethnic issues are not a major threat to the Soviet state. The Kremlin has managed ethnic politics in the past and will be successful in the future.

This book attempts to answer the question, "Whose arguments are the most plausible?" Its conclusions rest on four major pillars: latent conflict tendencies are inherent in the pattern of ethnic Russian domination; non-Russians may massively want to rebel; but as long as the instruments of Soviet State Power (KGB and the military) remain intact, antistate collectives and elites will be unable to

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mobilize or form alliances with other groups; therefore, non-Russians *will* not rebel because they *cannot* rebel.

Between thesis and conclusion, the author skillfully applies and builds on comparative political analysis. Detailed definitions of ethnicity, hegemony, and ideology shape the conceptual discussion of the state-ethnicity-stability triad. These are applied primarily (but not exclusively) to the Ukraine. The Ukraine is, according to the author, the Soviet political center of gravity. If the Ukranians will not or cannot undermine the USSR's ethnic stability, then neither can any other non-Russian nation. The Ukranians alone have the strength, cohesion, political and social resources to pose a serious threat to the state. It is the Ukraine that could become the USSR's Poland.

The Soviet state has traditionally managed ethnic conflict by permitting a high degree of cultural autonomy in the non-Russian union republics. Given the power of the state, ethnic autonomy has not given rise to pressure for ethnic hegemony. Any relaxation of party-state power could alter this situation; hence the nationality question has had a conservative influence on political evolution in the Soviet Union. *Glasnost* is not likely to find an outlet in Soviet nationality policies. Any attempt to expand autonomy, according to Motyl, will deconcentrate authority and result in a new wave of political repression.

Ironically, the author points to a source of instability not always taken into account by students of Soviet ethnic politics. Ethnic Russians themselves and Great Russian nationalism may become a threat to ethnic stability if unrest is met with more militant forms of Russification.

The book sees no immediate or long-term systemic crisis from ethnic rebellion or resistance. How the nationalities question plays in the foreign policy calculations of Soviet leaders is, however, another matter not discussed in detail. The crisis loyalty of the non-Russians during wartime conditions is in doubt. Soviet fears are reflected in such policies as ethnic Russian domination of the combat arms structure of the Soviet army and the failure to recruit union republic armies garrisoned in their home territory. The author is no doubt correct in asserting that ethnic rebellion is not likely. Nevertheless, the Soviet Union as a multinational state must look to its "homeland defense" with domestic problems that have no counterpart in the West.

GARY L. GUERTNER
U.S. Army War College

Voters Begin to Choose: From Closed-Class to Open Elections in Britain *by Richard Rose and Ian McAllister. Beverly Hills, Calif., Sage Publications, 1986. 178 pp. Paper, $14.95.*

Among scholars contributing to the considerable literature describing recent changes in British electoral behavior, Rose and McAllister are not alone in calling atten-

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tion to the declining importance of the old class-party nexus. Their succinct book is distinctive, however, in relating the thesis to a typology of electoral competition and in the effective use of an "index of determination" to show the relative electoral importance of class and other factors. Writing before Britain's 1987 election, the authors rely heavily on data from the fairly similar 1983 general election, along with data from earlier years, to demonstrate statistically that British electors increasingly vote in response to many different interests, experiences, and opinions. Though indicating that the class-party nexus always provided less than a full explanation of voting behavior, the authors emphasize its erosion over the last few decades. Three-quarters of Britains' voters, they find, "are no longer anchored by a stable party loyalty determined by family and class" (p. 1).

Hence, the title of the book accurately conveys the message. More British votes are cast by deliberative choice among competing parties now that predetermined or fixed commitments have diminished. The choice may and often does vary from election to election and from opinion poll to opinion poll, but it is treated as the product of a lifetime of learning which, the authors suggest, includes political principles as well as numerous socializing factors related to voters' evaluations of party performances. While rejecting occupational class, no matter how defined, as an overwhelmingly important determinant, Rose and McAllister do take it into account along with other social and economic influences on voting behavior. Like many analysts of recent British elections, they find a relatively strong association between council-house renters and Labour voting, and between owner-occupiers and Conservative voting. The effect of housing is independent and stronger than that of occupational class; yet neither it nor any combination of social and economic factors is sufficient to explain contemporary voting behavior.

Significantly, the book emphasizes Britain's multiparty competition, not only because the third-party Alliance of Liberals and Social Democrats polled almost one-fourth of the total vote in 1983, but also because it seems to Rose and McAllister to be more nearly a British norm than the two-party competition that prevailed from 1945 to 1970. The quarter-century duopoly of Conservative and Labour parties is readily linked to the closed-class model that the authors believe the British electorate to have left behind. When they ask in their final chapter, "Are we all Alliance nowadays?" and answer more or less affirmatively, Rose and McAllister mean that the pressures that produced the Alliance must also be met by the other parties. Just as the Alliance demonstrably appeals across class lines, so will the Conservative and Labour parties have to appeal to decreasingly class-tied voters. That the Conservative and Labour parties might succeed so well as to restore two-party competition is not projected by the authors. Nor can such a projection now be made only on the basis of the Alliance's slight decline in the 1987 election and its greater troubles immediately afterward.

In any event, the Rose-McAllister thesis of a new more open electoral competition is also compatible with the presence of only two major parties. Something like that prevails in the United States, according to the authors. Indeed, they proclaim the United States as the prototype of a system in which "indeterminate voting

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can be regarded as a sign of postmodern elections . . ." (p. 9). They also observe, however, that American voters have become not merely less attached to party over time, but also less likely to vote for party as such at a particular time. Or, stated positively, American elections are increasingly candidate-centered. In contrast, British voters (despite some evidence of modest increases in the personal appeals of members of parliament) are still realistically observed, in this study and elsewhere, to choose one party (and its leader) or another at a given election. After all, they do not have the opportunity to vote for an executive of one party and a legislator of another. Thus, less fixed attachments to parties have different consequences than they have in the United States.

LEON D. EPSTEIN
University of Wisconsin-Madison

From Potsdam to Poland: American Policy toward Eastern Europe *by Stephen A. Garrett. New York, Praeger, 1986. 237 pp. $35.95.*

The main thesis of this interesting book dealing with the 1945–1980 period is that a certain frustration resulting from a disparity between American goals and means in East Europe could be overcome by adoption of a more realistic and flexible strategy. While rejecting utopian objectives, Garrett argues that one must not write off the nations of this region. On the contrary it is possible to contribute, although in a limited way, to their well-being and brighter future.

In the first part of the volume the author discusses the limitations of the ethnic lobby in the United States and offers a number of valuable and pertinent observations. By and large, he appraises skeptically the possibilities of the East Europeans to influence the State Department or the White House or the general public. This is true even of the American Polonia, which he regards as the best organized and the largest group. He argues quite convincingly that only the Jewish lobby in the United States can exert a real influence. What may be missing from Garrett's otherwise thoughtful and apt analysis is a more thorough examination of the actual weakness of the East European groups that command no dominant position either in business, labor, mass media, or even Catholic church hierarchy.

The second part is devoted to the use of American economic leverage in East Europe: the stick and the carrot. Garrett's distinctions between the punitive approach (hardly ever used), the *quid pro quo* strategy, and the "spillover" tactics are instructive and ably presented.

The third part of *From Potsdam to Poland* concentrates on the realistic-idealistic syndrome in American foreign policies and its relation to the human rights issue. The author raises a number of important points to which a short review can hardly do justice. He examines pros and cons of various options such as disengagement, liberation, and destabilization. His own preference is clearly for what he calls "normalization," making it clear that he uses the word to mean a normalization of American-East European relations and not a normalization à la Gustav Husak

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in Czechoslovakia disguising a return to orthodoxy. According to Garrett the object of normalization is to reduce (not to eliminate) the Soviet role in the region. Policies encouraging "heretical communism" and differentiating between the East European states by favoring those who achieve a greater degree of autonomy vis-à-vis Moscow are essential ingredients of this strategy.

Garrett subscribes to the theory that the road to Moscow may lead through East Europe, which could perform a task of "taming" the USSR. He sees both Yalta and the Helsinki accords as potentially useful in that respect and he defends the Sonnenfeld "doctrine." His ideal would be an eventual "finlandization" of the whole region brought about by Moscow and stemming from its conviction that this is the best solution for all concerned.

A greater familiarity with East Europe combined with an ability to read one or more of its languages would have permitted Garrett to reach a greater depth of analysis and sophistication. The book contains small but irritating mistakes particularly in the rendering of proper names. Surely Ignacy Jan Paderewski should not be called Wladyslaw; the names of some scholars whom Garrett invokes as authorities (for instance Robert Byrnes) ought to have been spelled correctly. The index in which many of the names cited in the text do not appear at all is virtually useless. The bibliography although adequate is far from being truly comprehensive. These shortcomings notwithstanding, Garrett's book, given its original approach, can be read with profit and interest by a student of American diplomacy as well as by specialists in East Europe.

PIOTR S. WANDYCZ
Yale University

First World Nationalisms: Class and Ethnic Politics in Northern Ireland and Quebec *by Katherine O'Sullivan See. Chicago, University of Chicago Press, 1986. 215 pp. Cloth, $30.00; paper, $11.95.*

This work of historical sociology explores factors that generate ethnic separatist movements in Quebec, which has made a successful transition to a secular state, and Northern Ireland, which has been racked by sectarian struggle. Its six chapters provide an assessment of theories of ethnic nationalism, a "theory sketch" by the author, comparisons of the two cases in three historical periods (colonial, industrial, post-industrial), and a conclusion. The substantive chapters seek to elucidate the complexities of historical development and thereby to provide a foundation for summarizing theoretical statements that capture the logic of separatist politics. The conclusions are that modernization theory, plural society theory, and various neo-Marxist models (split labor, uneven development, and internal colonial) offer at best partial explanations of ethnic separatism; a resource mobilization approach, combined with an emphasis on cultural attitudes and beliefs as an important mediating factor, is more promising.

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See's overwhelming emphasis is on separatist movements as coalitions of various classes and/or class fragments: the bulk of the substantive material consists of dense description of the rise of these elements and their incorporation in separatist coalitions. There is, however, a major problem here. Classes are always rising and falling, with varying political resonances. But if they readily fragment, and disparate classes (or their fragments) bury their class differences in separatist ethnic coalitions, the analytic interest is only secondarily in what those particular classes and class fragments are, and primarily in the nature, dynamic, and appeal of the non-class factors that bind them together. See has this exactly backwards.

Perhaps because of the analytic emphasis on ethnic groups as coalitions of classes (the term "fragment," often logically necessary, is frequently dropped), See fails to investigate adequately the non- or supra-class elements in separatist movements. She repeatedly recognizes the need for their analysis, but this is not the same as providing it. On the theoretical level, important general reviews of relevant perspectives (by Arend Lijphart and John Henry Whyte on Northern Ireland) are neglected. The portrayal of one particular theory, the plural society approach, is inadequate; the statement that it does not recognize differentiation within ethnic groups is incorrect, as readers of Leo Kuper and M. G. Smith, one of See's sources, will know. Useful major explanations are often rejected in an alarmingly shallow manner. An example that illustrates, among other things, See's insensitivity to the importance of symbols in separatist movements is the assertion that, while the leaders of the Easter Rising in Ireland did appeal to Gaelic traditions and the Irish language, "there is little evidence that this appeal was more than a symbolic rallying point or that it was influential in securing support for the insurrection" (p. 100). Many of See's sources (Richard Kee and F. S. L. Lyons) amply refute this remarkable statement.

The upshot is that many crucial characteristics of ethnic separatism do not figure in the bulk of See's discussion. Among these are its passionate and sometimes violent elements, which class perspectives and emphases on resources do not explain. The greater violence of the Irish over the Canadian case, a crucial difference, is noted at the beginning and end of the work, but neither adequately explored during the narrative chapters nor adequately explained. In short, while See writes economically and identifies a question of comparative analysis that seems to set the stage for a real contribution to the study of ethnic separatism in modern states, the potential is unrealized.

JOHN L. P. THOMPSON
Columbia University

Political Parties in Local Areas *edited by William Crotty. Knoxville, University of Tennessee Press, 1987. 253 pp. $27.95.*

Local party organizations and their activities are a neglected topic in the study of American political parties. This book is a welcome addition to the field, reporting

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research on local party leaders and their activities in five urban areas—Houston (Harris County), Nashville (Davidson County), Detroit, Los Angeles County, and Chicago (Cook County). The editor's introduction sets forth an agenda for the study of local party organization that guided the five research projects reported on in this volume. The research examines party activists' social background, reasons for participation in party work, campaign activities, issue orientations, and constituency bases. Two of the studies provide longitudinal comparisons, and all present data on party activists and their activities during the 1980 campaign. Building on previous research, the authors developed a set of core questions, to which were added items appropriate to each local area. Thus, comparisons across cities are possible; and one chapter, that by Samuel J. Eldersveld, compares two areas (Detroit and Los Angeles) as well as across time.

The value of collecting data on party organization leaders over time in one setting is richly illustrated in the chapters by Eldersveld and by Duane Marvick. Marvick's data permit longitudinal analysis from 1969 through 1980, while Eldersveld's data facilitate comparisons over a twenty-four year period. Among the significant findings of these longitudinal studies are a high degree of stability over time in the reasons given for becoming party activists, coupled with similar patterns of change in reasons for remaining active in party work (Eldersveld and Marvick), significant change in the social composition of party leaders (Eldersveld), increasing emphasis on substantive topics as opposed to organizational tasks in discussions among party leaders (Marvick), increased acknowledgment of the efficacy of manipulative tactics in campaigns (Marvick), significant change in issue alignment perspectives on some issues (Marvick), and changes in patterns of campaign activity over time (Eldersveld). Eldersveld's analysis of local party activity provides evidence for the relationship of group ties, and particularly ideological groupings within each party, aspiration levels, party loyalty, morale, and motivation to organizational task performance.

The study of Houston by Richard Murray and Kent Tedin provides a comparison of Democratic and Republican activists and organizational activities in an environment of emerging party competition. In contrast, Anne Hopkins's examination of Nashville focuses on the Democratic party, for in 1980 the Republican party in that heavily Democratic environment had not yet organized extensively below the county level. William Crotty's study of the Chicago party organizations focuses on the ward and township levels organizations in a post-Daley environment. In contrast to other urban areas, Chicago party activists continue to be unrepresentative of their constituencies, with few women or minorities holding party office at this level; the organization is heavily patronage based and strongly service oriented.

While this volume contributes to our knowledge, the opportunity for comparative analysis provided by using the same or similar questions is not exploited as fully as it might have been. Another improvement in the presentation of research results would have been providing information in each table on the number of responses on which the analysis is based. The research reported in this volume

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is a valuable contribution to the study of local party organizations and demonstrates that they remain a vibrant and vital part of the political system.

M. Margaret Conway
University of Maryland

Reference Books and Source Materials Received

American Dictionary of Campaigns and Elections *by Michael Young. Lanham, Md., Hamilton Press, 1987. 246 pp. $24.95.*

Congressional Staff Directory, 1987 *edited by Charles B. Brownson and Anna L. Brownson Mount Vernon, Va., Congressional Staff Directory, Ltd., 1987. 1056 pp. $50.00.*

The Dictionary of SDI *by Harry Waldman. Wilmington, Del., Scholarly Resources, Inc., 1988. 182 pp. Cloth, $35.00; paper, $19.95.*

Encyclopedia of the American Judicial System: Studies of the Principal Institutions and Processes of Law, 3 vols. *edited by Robert J. Janosik. New York, Charles Scribner's Sons, 1987. 1420 pp. $225.00.*

The Founders' Constitution: Major Themes *edited by Philip B. Kurland and Ralph Lerner. Chicago, University of Chicago Press, 1987. 713 pp. Cloth, $49.95; paper, $24.50.*

Foreign Relations of the United States, vol. 8: South Asia, 1955–1957 *compiled by the U.S. Department of State. Washington, D.C., U.S. Government Printing Office, 1987. 511 pp. $17.00.*

Government Finances in 1985–86 *prepared by the Bureau of the Census, U.S. Department of Commerce. Washington, D.C., U.S. Government Printing Office, 1987. 124 pp. $7.00.*

Handbook of the Nations, 7th ed. *Detroit, Gale Research Co., 1987. 290 pp. $80.00.*

The Papers of Woodrow Wilson, vol. 56: 1919 *edited by Arthur S. Link. Princeton, N.J., Princeton University Press, 1987. 646 pp. $52.50.*

The Pursuit of the White House: A Handbook of Presidential Election Statistics and History *by G. Scott Thomas. Westport, Conn., Greenwood Press, 1987. 485 pp. $45.00.*

Who's Who in American Politics 1987–88, 11th ed. *New York, R.R. Bowker, 1987. 1811 pp. $149.95.*

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Correspondence

Reagan and the Gulf of Sidra

To the Editor:

The discussion in "Antiterrorism and the Withering of the 1973 War Powers Resolution" by Michael Rubner (PSQ 102 [Spring 1987] 193–215) of the U.S. Navy's operations in the Gulf of Sidra in March 1986 is seriously flawed by Professor Rubner's failure to deal with the decision of the International Court of Justice in the *Norwegian Fisheries Case.*

In that case the Court decided that Norway did not *ab initio* have the right to assert sovereignty across openings that were in fact smaller than the Gulf of Sidra, but that the failure of Great Britain, over an extended period of time, in fact to sail into the areas claimed by Norway had cost Britain its right of access.

Plainly the U.S. position was that sending U.S. forces into the Gulf of Sidra was not sending them "into the territory, airspace or waters of a foreign nation, while equipped for combat" nor did they "substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation." To have given a War Powers Act notification to the Congress on the basis of either of those Section 4 (a) phrases would have been wrong. Thus Professor Rubner's case depends on a judgment that sending U.S. forces into the Gulf of Sidra was introducing them "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances."

But for the President to have sent such a notification to Congress would have amounted to a statement that the President clearly expected Libya to violate international law as defined by the International Court of Justice in the *Norwegian Fisheries Case.* Would that have been prudent? Is it required under the War Powers Act, in view of the fact that by Professor Rubner's own account six of seven U.S. entries into the disputed areas since 1981 had produced no hostile response? I think not.

SINCERELY,
BILL GREEN
U.S. House of Representatives

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To the Editor:

Congressman Green is correct in stating that my case against the Reagan administration is based on a judgment, documented with ample evidence that remains unchallenged, that the decision to dispatch U.S. forces into the Gulf of Sidra in March 1986 was tantamount to introducing them "into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances." American involvement in hostilities, which had been "imminent" before March 23 (for additional corroboration, I would refer the congressman to Seymour Hersh's excellent article, "Targeting Qaddafi," in the *New York Times Magazine,* 22 February 1987), ceased to be so and had in fact become "actual" the minute Libya launched six long-range SAMs against the U.S. reconnaissance planes.

Congressman Green does not question the fact that U.S. and Libyan forces were engaged in military combat in the Gulf of Sidra on March 23–24. Hence, the President was required under Section 4(a) (1) of the War Powers Resolution to submit a written report within forty-eight hours to the Speaker of the House and to the President pro tempore of the Senate. While Congressman Green appears to suggest that it is up to the President to decide whether he is required to file any report at all and/or whether he must submit a report under Section 4(a) (1), there is absolutely nothing, either in the language of the 1973 War Powers Resolution or in its legislative history, to support this view. On the contrary, had Congress intended to allow the President discretion with respect to the notification requirement, then it surely would have made explicit provisions for such flexibility. After all, the law does recognize explicitly the need for some executive discretion with respect to consultations when it stipulates in Section 3 that "The President *in every possible instance* shall consult with Congress . . ." (Emphasis added.). The underlined phrase is conspicuously missing from Section 4, leaving the President no choice in the matter of reporting.

Since Section 4(a) (1) was meant to be applied to the introduction of U.S. armed forces into hostilities *regardless of where such hostilities occur,* the fact that the American-Libyan clashes took place over disputed waters is as irrelevant to my argument as is the ICJ's judgment in the *Norwegian Fisheries Case.* While I do not understand why Congressman Green views the required notification to Congress as imprudent, I am dismayed that he is much less worried about those fundamental issues concerning prudence that my article does raise; namely, is it prudent for the President, who has sworn to "preserve, protect and defend the Constitution of the United States," to place himself above both, the Constitution and the 1973 law? And is it prudent for the Congress to acquiesce in the demise of its constitutionally-mandated power to declare war?

MICHAEL RUBNER
Michigan State University

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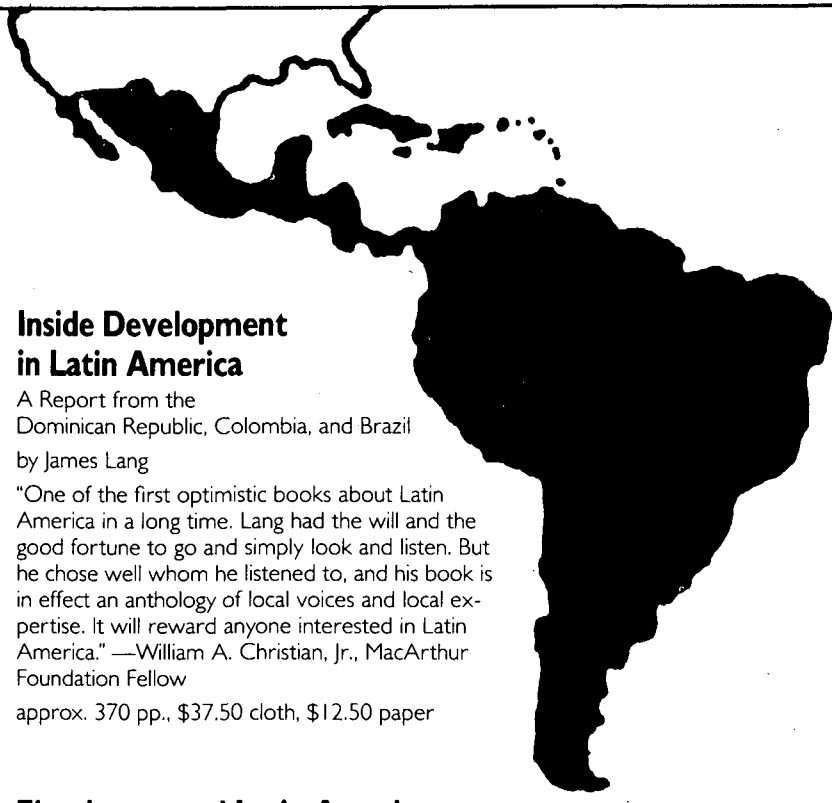

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